

MONTANA

Department of Commerce

MONTANA BOARD OF HOUSING
P.O. Box 200526 • Helena, Montana 59620-0526
Phone: 406-841-2840 • Fax: 406-841-2841 • TDD: 406-841-2702

Montana Board of Housing Housing Affordability in High Growth Areas

June 2006

The Montana Board of Housing (MBOH) is a state agency charged with the task of assisting low and moderate-income first-time homebuyers achieve the dream of homeownership by providing lower cost long-term financing than that available through market-rate housing loans. MBOH does not use any state tax dollars. Since 1977, MBOH has helped over 35,000 Montana families with over \$2.1 billion in financing from the sale of tax exempt bonds. However, with slow-rising incomes and quickly rising homes prices, buying one's first home has become more challenging in recent years in parts of Montana where the demand for housing has outpaced supply.

MBOH's typical homebuyer is a hard-working Montana family whose average annual income is about \$35,000. Allowing 25-30% of this income for the principle and interest portion of a mortgage payment, MBOH's average buyer can qualify for about \$122,000-\$146,000 towards the purchase of a home. As of March of 2006, the upward limit that MBOH programs can finance for a first mortgage is \$200,160. Homes that fit under this price limitation are increasingly difficult to locate in much of western Montana. Without a supply of homes in this price range, these Montana families will be unable to move into homeownership.

In the most rapidly-growing areas of Montana, land costs contribute the greatest share of the increase in housing costs for those housing units available to our homebuyers. For example, it was not unusual for the lot beneath a modest home in an urban area to have cost about \$15,000-\$20,000 not too many years ago, but to be valued at \$70,000 or more now. If new homes are to fit the price range of MBOH buyers, the land beneath the homes must be more affordable, most likely resulting in smaller lots.

The characteristics of a community's housing stock determine who can afford to live and own a home in the community. All rapidly-growing communities need to consider higher density housing developments on public water and sewer systems to offer the only opportunity for new construction homes to fit the incomes of many MBOH buyers. "Public" as defined by the Montana Department of Environmental Quality is based on a minimum size that serves 15 or more families or 25 or more persons daily.

MBOH does not endorse any particular project but asks that all communities consider affordable housing as one key factor as they wrestle with the issues of planning for the future.

For more information on the Montana Board of Housing visit our website at:
www.housing.mt.gov.

Renee Van Hoven

From: Matt S [MattS@pcimontana.com]
Sent: Wednesday, August 02, 2006 4:51 PM
To: Renee Van Hoven
Cc: Ryan Salisbury; Janet Grove
Subject: RE: Aspen Springs

Renee,

I have reviewed the developers No-Build Easement Exhibit. There are only two issues that I have with this.

1. Any recreational improvements such as picnic tables or benches be anchored to the earth. The reason behind this is if for some reason these facilities washed down the drainage way, they could damage drainage facilities and create other problems.

2. A corner of Lot E231 is currently 0.5 feet below the WGM calculated 100 year flood flow. The back 10 feet of this lot should also be included in the no-build zone.

Matthew Smith

From: Renee Van Hoven [mailto:rvanhoven@ravallicounty.mt.gov]
Sent: Wednesday, August 02, 2006 9:47 AM
To: Matt S
Subject: RE: Aspen Springs

Hi Matt,

Yes, you've been a great help. Have you had a chance to review WGM's flood hazard determination for the drainage? I'm sure you don't have anything else to do!

Renee Van Hoven
Ravalli County Planning Department
215 S. 4th St., Suite F
Hamilton, MT 59840
(406)375-6530
rvanhoven@ravallicounty.mt.gov

From: Matt S [mailto:MattS@pcimontana.com]
Sent: Monday, July 31, 2006 5:00 PM
To: Renee Van Hoven
Subject: RE: Aspen Springs

Renee,

I would use the Ravalli County Subdivision Regulations No Build Zone. With a couple of more restrictions.

1. Any fence would have to be have an open cross section (Horizontal Rail Fence, Chain Link, 5 Strand Barb Wire)
2. Picnic Tables and Benches would have to be anchored to the earth.

3. Fill should be restricted in these areas. Not that it shouldn't be allowed, but should be engineered so that it does not increase the velocity of water in the drainage channel, raise the water level so that water inundates adjacent properties and does not increase erosion in the channel. (How this is enforced 10 years from now, I don't know. However there could be a beneficial use to placing fill in the channel such as creating ponds for stormwater discharge, creating a wetland, or something I'm not thinking of right now.)

Does this help any?

Matt

From: Renee Van Hoven [mailto:rvanhoven@ravallicounty.mt.gov]
Sent: Monday, July 31, 2006 3:28 PM
To: Matt S
Cc: Karen Hughes; Ben Howell; Ryan Salisbury; David Ohnstad; Laura Hendrix
Subject: RE: Aspen Springs

Hi Matt,

Thanks for the information. Could you clarify what items (residential buildings, sheds, picnic tables, roads, utilities, trails, etc.) should be restricted under "no build"?

In the Ravalli County Subdivision Regulations, there are the following definitions for no build zone and no build/alteration zone:

- No Build Zone means an area in which no building or structure may be constructed or otherwise placed. (utilities, roads, and trails are permitted)
- No Build/Alteration Zone means an area in which no building or structure may be constructed or otherwise placed and the vegetation is retained in its natural condition. (utilities, roads, and trails are not permitted)

In an email dated July 18, 2006, Larry Schock recommends that "the area is not encroached upon with fences, deck supports, debris, fill or other alterations" and further states: "While the DNRC is not advocating the alteration of the drainage channel that runs through the Aspen Springs Subdivision we would recommend that if there are any crossings of the channel that the number of crossings be limited and the use of each crossing be maximized."

Laura Hendrix, Ravalli County Floodplain Administrator, recommends a no build/alteration zone (see email dated July 18, 2006).

I haven't seen WGM's proposal for the no build, so I'm not sure what is restricted with their proposal.

I know you're really busy, but any clarification you can provide would be greatly appreciated. Thanks Matt!

Renee Van Hoven
Ravalli County Planning Department
215 S. 4th St., Suite F
Hamilton, MT 59840
(406)375-6530
rvanhoven@ravallicounty.mt.gov

From: Matt S [mailto:MattS@pcimontana.com]
Sent: Friday, July 28, 2006 4:52 PM

To: Renee Van Hoven
Cc: Karen Hughes; Ben Howell; Ryan Salisbury; David Ohnstad
Subject: RE: Aspen Springs

Renee, Karen and Ben,

I apologize for this taking so much time. But I had to do a little research.

We concur with the DNRC about showing an "no build", flood inundation area that is 2 feet above the calculated 100 year water surface elevation for the drainage. This methodology is typical for flood plain permitting and development. WGM submitted a proposed no build zone that I need a little more time to evaluate to ensure that it meets the DNRC recommendation.

The comment from DNRC stating that each culvert should be designed for the 100 year flood flow and 2 feet of freeboard is beyond normal culvert design standards. MDT drainage manual requires culverts to be designed based on Annual Daily Traffic volumes. For ADT traffic between 400-300 the culvert should be designed to carry the 25 year design storm without overtopping the roadway. For less than 400 ADT the culverts should be designed to carry the 10 year design storm. DEQ Circular 8 States, "culverts shall be designed to convey the 10 year peak flow without overtopping the roadway. They shall also be designed to convey the 100-year peak flow without inundating any home site or drainfield, although overtopping the roadway is acceptable".

We recommend that all culverts should be designed to carry the 10 year storm with a minimum culvert size of 18". If, the 100 year peak flow overtops a road, and that road is the only ingress/egress route for a lot or lots, We recommend the culvert be designed to convey the 50 year storm without overtopping the roadway. This standard would not be applicable to driveway approaches.

If you have any questions please feel free to call.

Matthew Smith P.E.

From: Renee Van Hoven [mailto:rvanhoven@ravallicounty.mt.gov]
Sent: Thursday, July 27, 2006 4:37 PM
To: Matt S
Cc: Karen Hughes; Ben Howell
Subject: Aspen Springs

Hi Matt – attached are our Floodplain Administrator's comments, DNRC comments, and WGM's latest packet on drainage. Any comments would be greatly appreciated. We're updating the staff report to go out tomorrow. I realize that's quick and you're probably really busy, but if you have any comments, please forward them to Ben or Karen. I will be out of the office tomorrow.

Thanks,

Renee Van Hoven
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Professional Consultants Inc.
Unmatched Experience. Uncompromising Standards.

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AUG 23 2006

15-06-08-1335
Ravalli County Planning Dept.

August 20, 2006

Renee Van Hoven
Ravalli County Planning Office
215 South 4th Street
Hamilton, MT 59840

RE: Aspen Springs
Flood Hazard / No-Build Exhibit

Dear Renee:

I have completed my review of the Aspen Springs Flood Hazard/ No-Build Exhibit. The plan provided by WGM and dated 8/10/2006 shows a flood inundation area. Based upon the information that has been provided by the developer, we agree with the flood hazard area as it is shown. During final road plan review, this area may need to be modified at the stream crossing to account for backwater from the installation of culverts. However, this can be addressed during the process of reviewing the final road plans and final plat.

The developer's plan limits the construction in the flood hazard area so that any improvements in this area will not impede the 100 year flow. We would also recommend that any fill placed in this area be designed against erosion and should not increase the velocity or water depth in the flood hazard area. Designs for fill should be completed by a licensed Civil Engineer.

The Montana Department of Transportation requires culverts to be designed based on Annual Daily Traffic Volumes. For ADT traffic between 400 and 3000 the culvert should be designed for the 25 year storm without overtopping the roadway. For less than 400 ADT the culvert should carry the 10 year design storm.

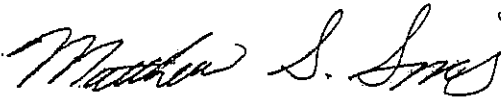
The Department of Environmental Quality's Circular 8 states, "culverts shall be designed to convey the 10 year peak flow without overtopping the roadway. They shall also be designed to convey the 100 year-peak flow without inundating any home site or drainfield, although overtopping the roadway is acceptable".

We recommend that all culverts should be designed to carry the 10 year storm with a minimum culvert size of 18". If the 100 year peak flow overtops a road, and that road is the only ingress/egress route for a lot or lots, we recommend the culvert be designed to convey the 50 year storm without overtopping the roadway. This standard would not be

applicable to driveway approaches.

If you have any questions please feel free to call.

Sincerely,
PROFESSIONAL CONSULTANTS, INC.



Matthew S. Smith, P.E.

CC: File

EXHIBIT B-1

Nadine M. Wisniewski
page 1

August 22 2006

RE: Aspen Springs Subdivision

rec'd at BCC
Mtg. 8/22/06
read @ mtg.

I am a licensed clinical psychologist specializing in children. I have practiced in Montana for 14 years and my children attended the Florence-Carlton Schools for 7 years.

I am very concerned about the impact of the subdivision on the Florence-Carlton School System. The proposed financial mitigation of \$300 per lot is highly inadequate, especially over a 20 year period.

Unfortunately the school system is currently severely overcrowded in all areas. The halls are impassable. The cafeteria services are inadequate. Teacher preparation areas are scarce to nonexistent. Classrooms are crowded with poor ventilation and temperature control. Enthusiastic, well-trained teachers and motivated students have difficulty overcoming these obstacles to a quality education. It has become very difficult to retain our best teachers and our best students in this environment. Average students and those with special needs suffer as well. Every new student that enters this system adds to the precariousness of the situation.

Perhaps a moderately well funded system with

Nadine M. Wisniewski
page 2

adequate facilities and sound buildings could accommodate a significant influx of students with modest (\$300 per lot) mitigation.

However, ~~the~~ fragile, overstressed, underfunded school system in Florence will need significant and substantial mitigation if it is to continue functioning under the current constraints.

Although Aspen Springs is not responsible for the current state of the Florence-Carlton Schools, they need to recognize that the environment in the schools is just as fragile as the wildlife, water, and air quality, if not more so. The system as it is today (and for the foreseeable future) will require more than token mitigation to survive the impact of this subdivision.

Our educational environment, that is, our children, are at greatest risk. If a subdivision is to be built in the Florence-Carlton District, mitigation cannot be based on "average contributions", but must be in keeping with the expected catastrophic impact in this specific community.

435 One Horse Creek Rd.
Florence, MT 59833

Sincerely,
Nadine M. Wisniewski, PhD
Nadine M. Wisniewski

Linda Cardenas
1127 Lance Lane, Stevens MT

8/22/06

Good Evening, My name is _____
With all due respect for your time and patience
~~_____~~
~~_____~~, I'll get straight to the
relevant points for denial of this subdivision
~~_____~~

rec'd @
BCC mtg
8/20/06

Linda read
from this
letter

Based on the Findings in Fact:

- #1 the applicant still has unmitigated public health and safety impacts (traffic + L.E.) this is critical!!
this alone should be sufficient cause to deny
- (2) the applicant still has not obtained approval from DEQ for the WW septic system for this high-density urban develop
- (3) the applicant has not been able to obtain the proper permit for its water supply system -
apparently they have not been able to demonstrate
 - o adequate ^{supplies} ~~availability~~
 - o legally available,
 - o No adu-impacts
- ★ The developer has stated they "think" they have enough water in the aquifer for THEIR NEEDS! ^{There may not be enough for anyone else's needs} They've only been at the permitting process for how many years and they finally started their pump test just this morning
- (4) The Developer is asking the people of Rapid City for a blanket approval for a 20-30yr. build out. In light of the rapid changes we're ~~to allow the project to drag out over~~ experiencing, there simply is too much uncertainty to warrant gambling with the public interest. ~~that for~~ Into the future. Let the developer come back to the approval process ^{with}

Finally, as mentioned earlier,
Finding in Fact #5

You have a legal obligation to comply w/ the subdivision regulations of this County and not circumvent or undermine them to benefit private interests.

The developer has not provided the necessary facts to support legally granting any of the 8 Variances

Based on the findings of facts, ~~and perhaps the more important lack of facts~~,
~~and perhaps the more important lack of facts~~,
I urge you, ~~our~~ elected officials, to do the right thing ~~and take the~~ precautionary approach to public health + safety and ~~not to~~ deny the Aspen Spring Subdivision.

Thank you for your consideration.

TO: **Ravalli County Commissioners:**
Greg Chilcott
Alan Thompson
Betty Lund

RE: Proposed Aspen Springs Development

DATE: August 22, 2006

FROM: Cheryl Harkin
5952 Brittany Lane
Florence, MT 59833

cc'd @ BCC
Mtg. 8/22/06

Growth is inevitable. Increased traffic as a result of growth is inevitable. What cannot change without appropriation of significant funding, is the existing highway system and the systems that support these roads as population and density increase. To the north of Florence, subdivisions are stacking up in Lolo with the net result of 1000's of new vehicle trips on Highway 93. To the south of Florence, several new subdivisions are on the drawing board and if approved will result in 1000's more vehicle trips on Highway 93.

Westmont has offered \$2,000 toward a traffic study for the intersection of Eastside Highway and Highway 93 after it receives approval for Aspen Springs. We, the people of Florence, are being asked to take the word of people that stand to benefit financially, probably do not live off Eastside Highway or have to deal with the intersection at 93, that our quality of life, albeit safety, will be looked at after they get their way.

Here are some quick facts:

- Population in Ravalli County has increased 59% in the last 15 years;
 - Traffic accidents on 93 have increased 61% in the last 15 years;
 - Traffic accidents on Eastside Highway have increased 171% in the last 15 years.
- (Source MDT 8-22-06)

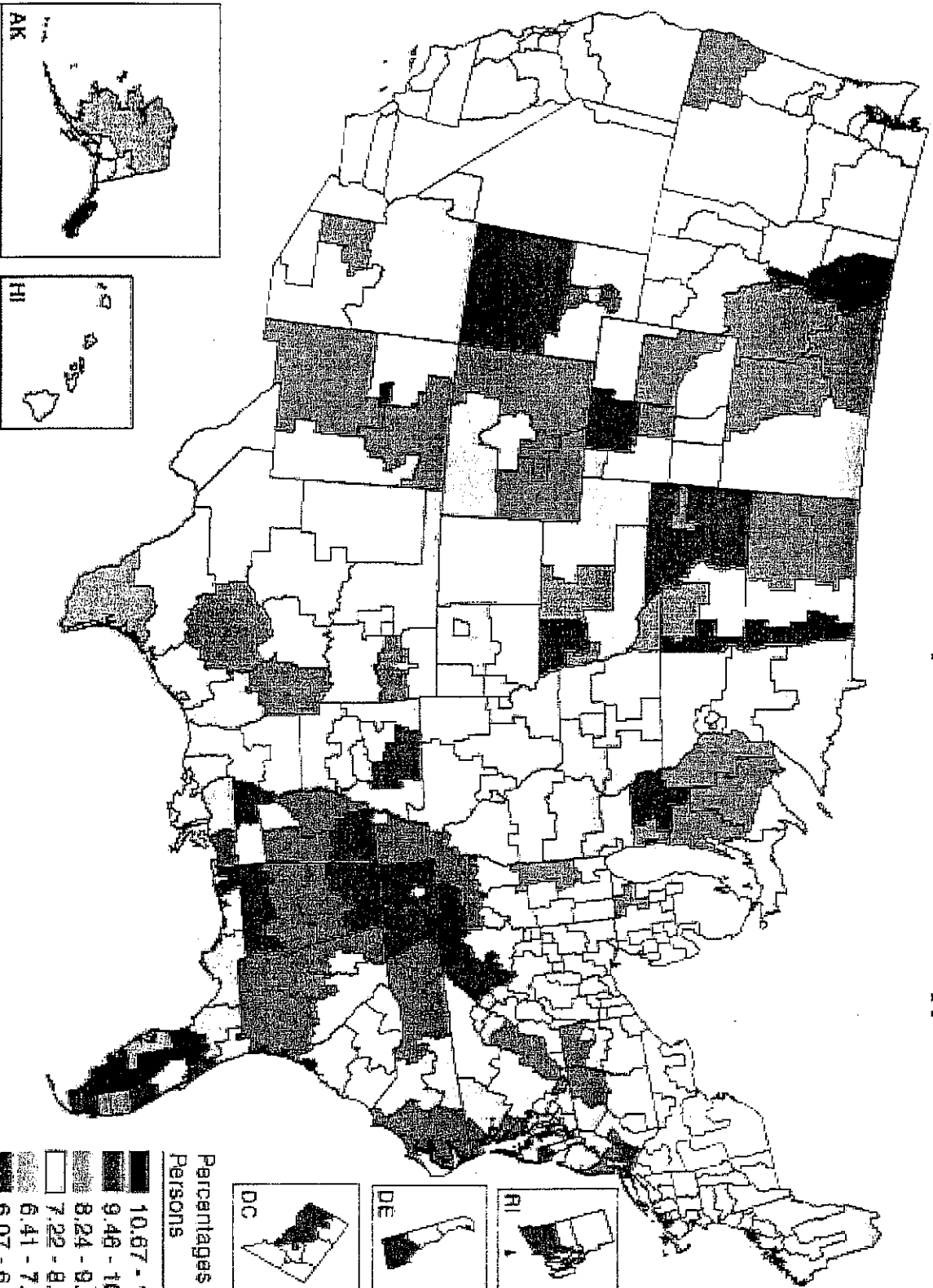
So we know, based on MDT statistics, that traffic accidents on 93 have been proportionate to growth. However, traffic accidents on Eastside Highway are highly disproportionate. Studying the intersection of Eastside Highway and 93 is a nice thing to do...how far \$2,000 will take us remains to be seen, and studies do not solve problems, but merely confirm their presence.

If Aspen Springs becomes a reality, the traffic study is a moot point...we can't go back. We won't be able to rewind the clock and take away the accidents that historical trending already shows. We won't be able to create a realistic infrastructure without dipping into the pockets of all Montanan's, after-the-fact.

Now is the time to require studies and objective planning and solutions for the thousands of Ravalli County citizens that currently reside here. If you do not, it will be a huge disservice to all of us that have invested our hard-earned money into the expectation of a rural, safe community. Westmont is asking you to care more about their personal financial well being than the future of Ravalli County residents. I'm asking you to plan for the future and not make irreversible mistakes today.

rec'd @ BCC mtg.
8/22/06

Alcohol Dependence among Persons Aged 12 or Older United States by Substate Region



Source: 2002, 2003, 2004 NSDUHS

NIDA National Institute on Drug Abuse: based on Survey
OF YOUTH

NEEDS ASSESSMENT DRUG FREE COMMUNITIES
2005 KIDS FIRST OF RAVALLI COUNTY

rec'd @ BCC
mtg. 8/22/06

YOUTH RISK BEHAVIOR SURVEY
AGE OF INITIATION

	TOBACCO		ALCOHOL		MARIJUANA	
	2003	2001	2003	2001	2003	2001
< 9 YEARS	7.1%		15%		4%	
9 or 10	6.5%		11.1%		3.4%	
11 or 12	8.6%		16.7%		7.6%	
13 or 14	4.1%		10.1%		6.1%	

Alcohol- First Drink other than a few sips

PREVENTION NEEDS ASSESSMENT (PNA) 2002- 04
30 DAY USE- Ravalli County (Rav) and Montana (MT)

	TOBACCO			ALCOHOL			MARIJUANA		
	Rav -2002	Rav -2004	MT -2004	Rav-2002	Rav-2004	MT- 2004	Rav-2002	Rav-2004	MT-2004
Gr. 8	10.3%	12.6%	14.7%	25%	18.2%	24.2%	6.4%	4.8%	8.0%
Gr. 10	24.3%	25.5%	26.5%	43.9%	41.4%	46.2%	20.8%	22.9%	20.5%
Gr. 12	29.3	41.3%	42.3%	55%	62.9%	60.5%	26.5%	30.5%	26.2%

Heavy Use

Gr. 8	1%	0%	.4%	15.6%	13.2%	16.2%	6.4%	4.8%	8%
Gr. 10	1.5%	1.8%	1.2%	28.7%	29.1%	32.3%	20.8%	22.9%	20.5%
Gr.12	1.6%	3.5%	3.5%	38.1%	45.3%	44.4%	26.5%	30.5%	26.2%

½ Pack Cigarettes/day

Binge Drinking

30 Day Use

INHALANT USE (PNA)

	8 th Grade			10 th Grade			12 th Grade		
	Rav 2002-	2004	MT 2004	Rav 2002-	2004	MT 2004	Rav 2002-	2004	MT 2004
Life Time Use	16.7%	14.3%	15.5%	14.5%	16.7%	13%	13.1%	9.4%	11.3%
30 day Use	4.4%	1.4%	5.4%	3.6%	6%	3.1%	2%	3.5%	1.7%

BEHAVIOR (PNA)

	8 th Grade			10 th Grade			12 th Grade		
	2002	2004	MT 2003	2002	2004	MT 2004	2002	2004	MT 2004
Drunk/ High At School	12.6%	7.9%	10.7%	18.9%	23.9%	25%	22.7%	26.6%	7.9%
Attack to do Harm	12.7%	13.4%	14.8%	11.1%	12.6%	14.4%	8.3%	16.7%	11.2%

RISK FACTORS (PNA)

8 TH GRADE	2002	2004	MONTANA 2004
Perceived Risk of Drug Use	31.9%	28.6%	38.8%
Laws & Norms Favor Drug Use	37%	39%	36%
Family Conflict	46.3%	51.4%	50.6%
Parent Attitudes Favor Drug Use	23%	24.5%	30%
Peer Attitudes Favor Drug Use	23%	24.5%	30.5%
Depression	40.5%	36.3%	40.9%
Sensation Seeking	52.4%	57.6%	66.9%
Transitions and Mobility	41%	49.2%	47.5%

10 TH GRADE	2002	2004	MONTANA 2004
Perceived Risk of Drug Use	38.3%	37.1%	39.2%
Laws & Norms Favor Drug Use	48.9%	49.5%	44.8%
Family Conflict	33.4%	35.1%	38.8%
Parent Attitudes Favor Drug Use	45.3%	46.6%	52%
Peer Attitudes Favor Drug Use	43%	45.9%	42.2%
Depression	32.5%	44.5%	47%
Sensation Seeking	54.8%	65%	65.1%
Transitions and Mobility	46.9%	50.5%	49.1%

12 TH GRADE	2002	2004	MONTANA 2004
Perceived Risk of Drug Use	48.2%	56.7%	46.6%
Laws & Norms Favor Drug Use	44.9%	50%	41.8%
Family Conflict	28.9%	39.7%	33.2%
Parent Attitudes Favor Drug Use	47.6%	53.3%	54.6%
Peer Attitudes Favor Drug Use	39%	50.2%	43.3%
Depression	29.9%	42.9%	37.9%
Sensation Seeking	60.1%	68.1%	63.6%
Transitions and Mobility	49.6%	53%	45.5%

1
RISK
FACTOR

red'd @ Bcc
mtg. 8/22/06

↓
read at
mtg.

My name is Marcia Bloom and I live in the Lone Rock area south of Florence. [I have lived in the Bitterroot Valley for 25 years.] I am against the Aspen Springs development as proposed because the location is absolutely inappropriate for a project of this density. Police protection should be a crucial factor in your decision and our sheriff says his staff/budget is not sufficient to provide adequate protection for this development - that is a no vote. Traffic safety should be a crucial factor in your decision and the added flow from Eight Mile onto the Eastside highway is not just an inconvenience - it will be a danger to the public - that is a no vote. School overcrowding should be a crucial factor in your decision and the Florence superintendent says the influx of new students generated by Aspen Springs will be a problem for the current facility. Overcrowding diminishes the quality of education for our students - that is a no vote. Winter range habitat for elk will be impacted. Your very own website posts a map of the Bitterroot Valley showing important winter range which is located in the midst of the proposed development. Reduction in prime wildlife habitat should be a crucial factor in your decision - the density of housing will affect the elk - that is a no vote. The infrastructure to support a development of this size is nonexistent and should be a crucial factor in your decision - smart growth development should be adjacent to an existing town, not dropped into the middle of nowhere - that is a no vote. The argument about the dire need of low income housing in the Bitterroot Valley is debatable but the location of low income dense housing is not debatable. The needs of those living in low income housing revolve around tight budgets. High gas prices are a problem on a tight budget and the location of this project requires a commute to Missoula. Low income areas need to have access to public transportation, services, and jobs. These are nonexistent in the proposed location. This should be a crucial factor in your decision - that is a no vote. The bottom line here is that the residents of the Bitterroot Valley will have to suffer the consequences of your mistakes if this development is approved

as presented. It is your job to plan for our future, the residents of Ravalli County - not the developer's future. You have to weigh all the crucial factors and right now they all point to non-approval of Aspen Springs. [You must acknowledge the need for interim zoning and act on it immediately. Your decisions regarding our future depend on a sound plan for development in our valley. Do not recommend approval of this mega subdivision as proposed. Let's make an educated assessment of our valley and use interim zoning as a tool to prepare a plan for where the growth should occur.] Thank you.

Maieva Bloom

8-22-06

134 Dry Gulch Rd.
Stevensville, MT 59870
777-3194

Date: August 22, 2006
To: Ravalli County Commissioners
From: Shaen McElravy M.S.W.
4721 Teddy Bear Ln
Stevensville, MT 59870

*rec'd at BCC
mtg. 8/22/06
read @ mtg.*

Commissioners,

We need to ask, how many people here tonight want to preserve our culture, privacy, safety, tax dollars and way of life by limiting subdivisions to one house on 2-10 acres?? Please stand up if you want to protect these values---Please stand up if you want the Commissioners to say no to Aspen Springs!

At the end of this evening you should come up with a unanimous vote of "NO" regarding the planned Aspen Springs subdivision. I am sure that you are aware of the sheer numbers of people that have attended the planning meetings regarding this proposal. I am sure that you are aware that the people of this county have collected over 5,300 signatures saying we need emergency zoning restrictions limiting subdivisions to one house on 2 acres until we can have some real zoning and planning in place. Even our county attorney George Corn has written you stating that we need emergency interim zoning.

This is a time for you to act as if you have been listening to the citizens and vote No for the Aspen Springs project.

I am going to refer to the Ravalli County Citizens Guide to Subdivisions. The review criteria is listed and asks, "is the proposed subdivision in the public interest? You have had thousands of people telling you no, it is not! The public has been repeatedly telling you that they want to protect their rural lifestyle of living on 2-10 acre lots.

Another question it asks, does the proposed subdivision meets the standard of the Ravalli County Subdivisions Regulations and the Montana Subdivision and Platting ACT? Once again, it does not meet the criteria. The developer has been refused permits for sewage 2 times. The developer has also failed to stake all proposed drain fields as required by DEQ. The developer has failed to obtain the water permits required by DNRC.

"Effects on Local Services" has been a hotbed for the residents of the county because the costs for police, schools and roads will be passed on to the taxpayer. By allowing this subdivision to be granted, even conditionally, you will be going against the Designs and Development Standards of Ravalli County. In those standards they illustrate that the developer should have to pay for the roads and the developer has refused to do so.

"Effects on the Natural Environment" You have heard the repeated concerns of this development affecting winter elk range.

"Effects on Public Health and Safety" Those affects are numerous. DEQ lists 300 septic in a square mile as hazardous and the developer wants to double that number???

You also have the letter from our Sheriff stating that his office is overburdened, short staffed and short on funding. There will not be adequate police protecting in the north end of Ravalli County.

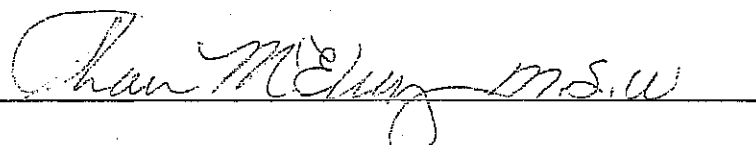
The Eastside Hwy cannot adequately handle an additional 5000 cars a day. There are already 5000 cars a day traveling between Stevensville and Florence on the Eastside Hwy.

"Variances" 8-1-11 Ravalli County Subdivisions state that you can only grant a permit for the variance that expire 30 months after the date of approval or earlier by Board Action, unless the final plat is filed. Thus, you should not grant a variance to allow this development to be phased in for the next 10-20 years. Doing so would put the county in violation of its own standards for variance timelines. Also, in the revised subdivision regulations 8-1-7 Basis of Decision is quite clear. It states, "The Board of County Commissioners shall not approve the variance application unless **"it makes an overall positive finding, based on substantial competent evidence, on the following areas."** There are five areas that are listed. Area 1---granting the variance will be detrimental to the public health safety and welfare by allowing 600 septic systems to be built within a square mile when DEQ lists 300 septic as hazardous. And most importantly number 5 says that the variance will not cause a substantial increase in public costs. The reasons here have already been listed above. The developer calls his plan "Smart Growth" while it is not. Smart growth, is building where there is infrastructure and adequate sewage, water and police. The developer's plan goes against the Smart Growth Policy of Ravalli County. The taxpayers of Ravalli County should not be required to subsidize this mega development.

In closing "the review criteria also lists conditions will be imposed on a subdivision to mitigate its negative effects on the taxpayers and the community as a whole. Mitigation conditions may include changing the number or configuration of lots, realigning roads, or easements, installing appropriate infrastructure and other actions that are appropriate." It is quite clear the Mr. Ashberry does not want to mitigate as he does not want to build the roads as asked and that he does not want to give up any land for elk unless he is reimbursed at the profit value of the land. You have to say no to this project at this time. If this project is given any consideration for the future an offer of mitigation should be to have the developer complete a full environmental impact statement applicable to the standards of DEQ before any further meeting or review.

Aspen Springs---not even once.

Shaen McElravy

A handwritten signature in cursive script, appearing to read "Shaen McElravy M.S.W.", written over a horizontal line.

WILLIAM S. RITCHIE

rec'd @ BCC mtg
8/22/06

August 22, 2006

Ravalli County Commissioners
Hamilton, MT 59840

Dear Commissioners:

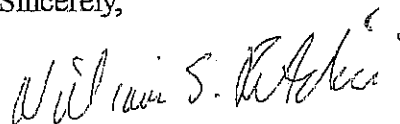
The county Planning Commission is to be congratulated for resisting the pressure applied by one man who is trying to squeeze a profit for himself from the public resources that you are entrusted to protect. You have an opportunity to show the citizens of Ravalli County that you represent them and that personal greed will not triumph over the public interest.

I only want to reinforce three points, which I know you are already aware of:

1. The developer is not making enough contribution to the impact on the over-stressed resources of the Bitterroot. Water, schools, law enforcement, traffic and fire fighting already are insufficient for the current population.
2. The cluster development does not work in a rural area.
3. The land and resources that you steward belong to not only current residents and developers; they belong to the generations that follow. If former generations had followed the policy of current economic development, there would be nothing left of the Bitterroot that we know; you would be Commissioners of a desert development.

Please deny the variances requested by Aspen Springs and send the message that Ravalli County is open for sensible development to enhance the quality of life of those lucky enough to live here.

Sincerely,



William S. Ritchie

rec'd @ BCC
mtg. 8/22/06

To: The County Commissioners and Planning Board

July 24, 2006

~~I am~~ ^{We are} adamantly opposed to the Aspen Springs subdivision. Our planning staff CANNOT handle this. You have eight (8) good reasons to deny this. Eight variances gives you 8 opportunities to say NO. This is IMPORTANT. This is precedent setting. We have to stop rolling over for the developers and running scared from their threats of lawsuits. We need you to lead us now. If you approve this, you will have started down a path that the people do not want. How will you EVER be able to deny another subdivision if you approve this?? The creation of a small town in our community should be the decision of the people. And we elect you to represent us. Listen to us. NOT to someone who has monetary interest in this only. PLEASE TAKE A STAND. You must. The community is at stake.

Andy Roubik *Andy Roubik*
Sarah Roubik *Sarah Roubik*
Corvallis, MT
961-5212

RECEIVED

AUG 22 2006

Ravalli County Commissioners

4:30

Glenda Wiles

From: wildsent [wolfwranglers@wildsentry.org]
Sent: Tuesday, August 22, 2006 1:39 PM
To: Glenda Wiles
Subject: Aspen Springs Subdivision

We're emailing to ask you to support the planning board's decision to deny the Aspen Springs Subdivision. We've lived in the valley for 26 years and seen how the lack of planning has created an eyesore out of Highway 93, decreased wildlife habitat, increased air pollution and impacted private wells. It's time for you to stop this nonsense. You are elected to lead and land planning is one of your responsibilities. A subdivision such as Aspen Springs could possibly be appropriate but only if it is a part of a comprehensive plan developed for the valley. To allow these mega-developments to go forward without such a plan constitutes reckless behavior on your parts. Sincerely, Pat Tucker and Bruce Weide, 500 Jorgy Way, Hamilton, MT 59840

Ravalli County Commissioners
215 South 4th Street
Hamilton, MT 59840

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AUG 22 2006

Ravalli County Commissioners

Dear County Commissioners:

The recently proposed Aspen Springs Project has been positioned and marketed as a so-called "smart development." After attending several public meetings and educating myself on the components of smart development I believe the Aspen Springs model is inadequate in the following ways.

- ❖ Placing 670 homes on roughly 400 acres is not "smart" because while it makes efficient use of development land it does not allow for enough open space to preserve the original value to native wildlife.
- ❖ Leapfrogging existing infrastructure including sewage and water systems, as well as public transportation, to create new can hardly be considered efficient. Secondly, adding further demand to the already overburdened education and law enforcement systems without providing significant new resources to support the growth is not in line with other traditional "smart development" models.
- ❖ Creating the opportunity of home ownership for modest income families is admirable, but hardly "smart" given the location and target market. The Aspen Springs development would require residents to commute between 50 and 70 miles round trip to reach the nearest significant labor market. With the price of gas currently at least three dollars a gallon, the development does not make economic sense for its target demographic.

Lastly, I believe home ownership should be a realizable dream for everyone, however I urge you to please carefully consider the inadequacies of this proposal specifically regarding its location and design and the impact it would have on its target demographic and the existing community.

Sincerely,

Bob Schroeder

Renee Van Hoven

From: Karen Hughes
Sent: Tuesday, August 22, 2006 11:19 AM
To: Ben Howell; Renee Van Hoven
Subject: FW: Summary of my Position on the Aspen Springs proposal

Sorry, I didn't realize you guys weren't on the email list.

*Karen Hughes, AICP
Ravalli County Planning Department
215 S. 4th Street Ste F
Hamilton, MT 59840
Phone (406) 375-6530
Fax (406) 375-6531
khughes@ravallicounty.mt.gov*

From: Ben Hillicoss [mailto:BenHillicoss@Huntor.Myrf.net]
Sent: Friday, August 18, 2006 8:42 AM
To: Greg Chilcott; Alan Thompson; Betty Lund
Cc: Karen Hughes; James McCubbin; Tom Ruffatto; Mary Lee Bailey; Lori Schallenberger; Les Rutledge; J. R. Iman; Dan Huls; Chip Pigman; Bob Cron; Ben Hillicoss; Dale Brown
Subject: Summary of my Position on the Aspen Springs proposal

Date: August 17, 2006

Subject: Summary of my Position on the Aspen Springs proposal

To: Ravalli County Commissioners,

CC: Members of the planning board
Mr. James McCubbin
Ms. Karen Hughes

I am writing to you to explain in detail, my votes, on the Aspen Springs Subdivision and variances. Because of the massive size to the record for this subdivision, I think it might be very helpful to you for some of us as members of the Ravalli County Planning Board, to summarize our positions for you.

Variance #1 would allow this project to be developed in 32 phases over 22 years. I did not support approval of this variance because I find it is nearly impossible to predict the projected impacts of this project and others in the neighborhood over the next 22 years. During the last five years, people in the Bitterroot Valley have seen major changes that could strongly impact this area in the near future. Some of the key factors of significant concern to me are 1) the apparent effects of global climate change, particularly the loss of and early melting of the snow pack in the mountains of Montana, (This could seriously impact the availability of water), 2) the rapid and accelerating rate of increase in the price of gasoline and electrical power, (this and the next several items will impact the cost and affordability of the houses), 3) our current national economic situation including our current enormous federal deficit, 4) our enormous balance of payment deficits, 5) our steadily increasing need to import enormous quantities of foreign oil, 6) the very rapid inflation of the cost of building materials, etc. Many of these changes have been rapid and appear to be accelerating, and thus increasing the risk of estimating any

project of this size over a period of 22 years. If after 11 years when this project is half finished, if the developer cannot complete the project due to financial problems, the existing homeowners and county would be left paying for the remaining necessary infrastructure.

Variance #2 is to require this development to be interconnected to adjacent roadways and developments. I did not support approval of this variance because of its major impact on the efficient flow of traffic between this and surrounding subdivisions and also because of the health and safety issues that develop if you have a subdivision of this size and density without alternate auto routes out of the subdivision available to deal with traffic delays, traffic efficiency and possible emergency situations such as fires.

Variance #3 and #6 -- I supported the approval of these variances to bring this project into compliance with recent revisions to the subdivision regulations.

Variance #4 -- I did not support this variance to allow for building lots of less than 7,500 square feet because this would be totally out of character with the other developments in this area.

Variance #5 -- I supported the flag lot variance because of the small number of flag lots and the rationale presented for them seemed sound. (A flag lot is a lot shaped like a flag with a pole.)

Variances 7 and 8 -- I did not support the road variances because I felt that for a subdivision of this size (643 lots), it is essential for the developer to agree to fix the road problems to the fullest extent possible, at his cost. I supported the concept of a latecomer fee reimbursement to be imposed on other future developments in this area where appropriate, but only provided that it includes a date limit of not greater than 10 years or one half of the life expectancy of the road improvements.

I cannot support approval of this subdivision as defined and presented. I liked many aspects of the plan including seeing the complete project design, the paved roads, curbs and gutters, centralized septic/sewer system, keeping the ridges and drainage as open space, providing adequate parks and park space, the interconnected trail system and providing space for some commercial development within the subdivision. However, at an average of almost 2 houses per acre over the total subdivision with many places having densities of around 10 houses per acre, this subdivision will be totally out of character with the surrounding neighborhoods.

I could support this subdivision if it was located adjacent to Highway 93 north of Florence and if there were regulations, financing or agreements in place to mitigate the impacts on the roads, schools, the Sheriff's Department and other health and human's safety issues. I am also very concerned about the cumulative impact of this subdivision and all of the already approved lots and other subdivisions in the Florence area east of the Bitterroot River.

I am particularly concerned about the future impacts of dense development in this area on public health and safety, water quality and quantity. In 30 to 50 years, if all of the development in this part of the Valley causes the aquifers to start to dry up, what would be our solution? Would we take the approach that L.A. used when it bought up the water rights on the Owens River, the Sacramento River and the Colorado River? Would we dam up Rock Creek and the Clark Fork and pump the water over the mountains to keep the lawns green in these developments? I hope not, but I am afraid that the future homeowners would vote to do just that if they are running out of water.

These decisions to approve or to deny major subdivisions are very complex, and they become very difficult when you realize that once they are approved, they generally become irreversible. They may also cause enormous financial and quality-of-life impacts on the current and future homeowners and

taxpayers in this valley. When I consider the probable changes we face in the next 20 years, and attempt to project the impact of these changes combined with the impact of all proposed mega subdivisions, plus the probability of homes being built on many of the approved 7,000 plus lots in the Bitterroot Valley, I become very concerned. The situation is also made much more severe than might be apparent at first glance, because Ravalli County does not have in place building codes, zoning, impact fees or sufficient tax revenue to help deal with the consequences of the problems that will result from this rapid growth. We need to fix these problems before we approve more projects of this duration, size and impact.

Finally, the planning board and commissioners must give serious consideration to the voices of the public and the current homeowners, residents and tax payers. The vast majority of comments received from the public, regarding this subdivision, during the planning board's public hearing process were thoughtful concerns, and requests that we not approve this subdivision and many of the requested variances. Also, two key community leaders (the School Superintendent and the County Sheriff) who are responsible for key public functions, presented compelling testimony that major impacts of this subdivision would not be adequately mitigated.

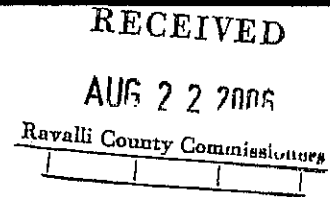
Thank you,

Ben

From: Ben Hillicoss, 5115 Gunsight Lane, Florence MT, 59833
Email: BenHillicoss@Huntor.myrf.net Web: www.BenHillicoss.com
Phones: Home 406.777.0187, Cell 406.207.0208

Glenda Wiles

From: schwartzmans [dakine@montana.com]
Sent: Sunday, August 20, 2006 8:40 PM
To: Glenda Wiles
Subject: aspen springs subdivision



dear commissioners,

we are writing in opposition to the aspen springs subdivision. we feel that such a large subdivision is not in the best interests of the health and safety of ravalli county residents. there are a number of areas where this subdivision is problematic:

1. access: although the streets of the subdivision are going to be paved the access roads in and out of aspen springs will not be . 5000 cars a day on a dirt road is a health problem for the surrounding area. parts of the subdivision are on 20% slopes. the roads servicing these areas will be hazardous in the winter. 20% is a ski slope , and a steep one at that.

2. traffic: the east side highway is a road meant to serve farms. there are several 90 degree turns that are already quite hazardous. borrow pits next to the road are steep in many areas with dropoffs of 5-15 feet. currently there are 5000 vehicles a day on the northern section of the east side highway. aspen springs would double traffic on an already marginal situation. more deaths, more dangerous driving associated with impatient drivers. you are signing death warrants by approving aspen springs.

3.essential services: placing a new city the size of stevensville in the northernmost edge of the county would place undo hardship on already strained county services like the sheriffs office. high density means more crime, but there is no way to deal with it at present. this is another safety issue.

4.high density water use: 700 houses, all on septic and wells within 400 acres is a recipe for a health disaster. groundwater pollution will be the result, if sufficient groundwater will be available to serve such a large population. a town of this density needs a sewer system , like stevensville or hamilton.

we urge you not to approve this subdivision . we are not against growth. we need a true growth plan that keeps the rural areas of ravalli county rural, and concentrates high density in the town areas , that already have the services and commercial interests to serve this new influx of population. let's strive to preserve the rural feel and farms of ravalli county. we thank you for your time.

sincerely,

steve and tina schwartzman

stevensville

Glenda Wiles

From: PXTTS@aol.com
Sent: Tuesday, August 22, 2006 6:58 AM
To: Glenda Wiles
Subject: ASPEN SPRINGS

Commissioners,

Please deny approval of Aspen Springs.

Thank you,
Tom Potts
(Victor)

RECEIVED

AUG 22 2006

Ravalli County Commissioners

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To: Betty Lund

From: Christine Farrington
Sent: Tuesday, August 22, 2006 11:12 AM
To: 'blund@ravallicounty.mt.gov'
Subject: ASPEN SPRINGS PUBLIC HEARING

DEAR MS. LUND,

WE ARE UNABLE TO ATTEND THE HEARING THIS EVENING HOWEVER WE WANT TO SAY A FEW WORDS.

WE HIGHLY DISAGREE WITH THE PROPOSED ASPEN SPRINGS SUBDIVISION. EMERGENCY SERVICES ARE NOT ANY WHERE ADEQUATE, THE LOSS OF WILDLIFE HABITAT IS HAPPENING DAY TO DAY WITH THE ENCROCEMENT OF SUBDIVISIONS. THE TRAFFIC ON THE EASTSIDE HIGHWAY AND HIGHWAY 93 IS ALREADY MAXED OUT. WE HAVE BEEN RESIDENTS AND REGISTERED VOTERS IN RAVALLI COUNTY SINCE 1982. TAKE A DRIVE DOWN THE EASTSIDE HIGHWAY AND COUNT THE CROSSES. THERE ARE TOO MANY! 636 X 2 CARS AVERAGE PER HOUSEHOLD AND HERE IS ANOTHER 1272 CARS ON ALREADY DANGEROUS HIGHWAYS.

WE WOULD APPRECIATE IT IF YOU WOULD ADD OUR COMMENTS TO YOUR HEARING.

THANK YOU

JAMES L FARRINGTON
CHRISTINE M FARRINGTON
1241 PARK LANE
STEVENSVILLE MT 59870
406-777-5108

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AUG 22 2006
Ravalli County Commissioners

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Ravalli County Commissioners

We see no need to rush to meet some developer's agenda; the greater good of the larger community should be of paramount concern to all of us.

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Glenda Wiles

AUG 22 2006

From: Craig Kuchel [Craig.Kuchel@mso.umt.edu]
Sent: Tuesday, August 22, 2006 9:58 AM
To: Glenda Wiles
Subject: I vehemently oppose the proposed subdivision called "Aspen Springs"

Ravalli County Commissioners

Dear Members of the Ravalli County Commision,

As an owner of one of the houses nearest the proposed Aspen Springs Development, I want to go on record as opposing the development. Having lived at 22 Slack Lane for 29 years, I have witnessed tremendous, unplanned growth in the Hidden Valley and Eight Mile areas. That growth, because no agency would step up and formulate a plan for growth in the area, alone has had a tremendous impact on the entire Florence area. Wildlife have been squeezed into an ever-smaller space, and now the area of proposed development is part of the main remaining corridor used by animals moving from the Sapphire Range to and from the river bottom. It is home to many sensitive species like sandhill cranes and long-billed curlews.

Traffic on Eight Mile Road is so congested that it is often difficult for residents to get to work or school on time. Many years in the past 30, spring snowmelt has put sections of Lower Woodchuck under nearly a foot of water. The fact that there is one road leading into and out of the area makes it almost laughable that any developer would select that particular spot to propose to build 650 new homes. But, unfortunately, it is no laughing matter! The impact on law enforcement and fire protection agencies would be beyond the county's means to support those agencies adequately. We have already experienced firsthand the incredibly slow response time of emergency providers and law enforcement in the area, despite the best efforts of law enforcement personnel. The dry grassland they are proposing to develop evolved under fire, and there will no doubt be major fires in the area in the future.

Average well depths have increased as development has moved into the Eight Mile Valley. Managing septic drainfields for 650 homes to avoid polluting the Bitterroot River would be a severe challenge. Any negative impact on water quality in the area is unacceptable.

As a teacher at Florence-Carlton High School, I have witnessed firsthand the tremendous impact the growth of the Florence area has had on the educational institution. Adding a new population nearly the size of Stevensville would stress taxpayers' ability to support the system, and the scope and extent of the detrimental effects are almost unimaginable.

What remains of the main feature attracting people to the Florence area, the rural character and high quality of life, will be lost forever. You may remember a bumper sticker campaign opposing unplanned growth of the valley in the late 70's and early 80's. The theme was "Moving to the Bitterroot? Bring your own school." This plan, if approved should be met with a similar campaign, but the sticker should read, "Moving to Aspen Springs? Bring your own school, police force, fire department, water and sewage system, roads and traffic signals, and emergency medical system."

Please do the responsible thing and deny permission to move forward with the Aspen Springs Blight.

Sincerely,
Craig Kuchel
22 Slack Lane
Florence, MT 59833

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AUG 22 2006

Ravalli County Commissioners

Dear Ravalli County Commissioners:

I have watched in sad disbelief as the Aspen Springs proposal has come ever-closer to reality. We moved to the Lower Woodchuck area east of Florence in 1977, to raise our family in the peace and tranquility of the rural atmosphere that the area provided. At the time there were 6 houses in the entire 8-mile drainage. After getting off the Eastside Highway and passing the homes of the owner and the ranch hand of the Cook Ranch, except for being able to see 3 homes down by the river in what is now Cormoret Loop, one did not pass a single building for nearly 3 miles, until reaching the Mikesell ranch house.

But young families needed affordable houses within easy commuting distance from Missoula, so the area began attracting new residents. Soon the grassland was dotted with new homes, and Florence youngsters had to quit hunting deer in the area. Now, there are hundreds of homes, and the quality of life has steadily changed as the years have passed. We never used to lock our home or cars, leaving the keys in the ignition, but crime, unheard of in early years, began to creep into the area.

Traffic on 8-mile/Woodchuck Road and the Eastside Highway into Florence has become so congested that I leave the house for my morning commute to Missoula at 6:30 every morning to get to a job that doesn't start until after 8:00. I found that my time was more productive being at my place of work for over an hour rather than sitting in my car with the hundreds of other cars that begin to spill onto the road between 7:15 and 7:30.

Unfortunately, as the population has ballooned, there has been no proportionate increase in the infrastructure in the area. Sheriff's deputies rarely make it to our end of the valley, so quick response to emergencies is nonexistent. The community is not incorporated, so there is no local law enforcement, no municipal sewage or water systems, and no local government to pursue issues such as zoning and limiting absurd development. So we have been and continue to be at the mercy of county commissioners and planners, many of whom are more interested in things going on at the more southerly end of the valley. It does not take much insight to realize that an additional 650 homes will bring enough people into the area to need a school, a sheriff's office, a fire department beyond the volunteer rural department, road improvements, including traffic signals, and many more very expensive infrastructure needs. Of course the burden of paying for all the improvements will not be shouldered by the developer, but by the local taxpayers, and not just the ones living in Aspen Springs. The developer will make token gestures to offset the impact, but will leave the problems of handling the explosive growth to the community, as he gets out with his millions.

Please consider the potential impact of this decision on the people of Florence well into the next generation. Please do not insult us by voting in favor of the proposed subdivision.

Thank you.

Joan Kuchel
22 Slack Lane
Florence, MT 59833

Sandra Alcosser
Philip Maechling
5791 West County Line
Florence, Montana 59833

Ravalli County Commissioners

AUG 2 2006

RECEIVED

19 August, 2006

Board of County Commissioners
Ravalli County, Montana

Dear Alan, Betty and Greg,

This letter regards your decision on the development proposal Aspen Springs. The proposal as presented to the Planning Board and County Commission should not be approved. The costs and benefits can be evaluated. While at face value there may be some benefits, principally to the developers and to their builders, the costs to the community are far greater, and cannot be justified.

There are physical and social circumstances in northern Ravalli County that make the denial of this proposal both the responsible thing to do, and defensible. After reviewing the data on natural and social resources, it is clear that the effects on agriculture, agricultural water user facilities, local services, the natural environment, wildlife and wildlife habitat, and public health and safety can not be mitigated as proposed by the applicant.

The public infrastructure necessary to serve a town of this size will never be paid for by Aspen Springs, even if it were an incorporated town from the day it might be approved. The transportation, recreation, education, health and welfare systems that serve the Eight Mile Road area and the community of Florence are inadequate now to handle existing needs. Public safety cannot be provided for the proposed development by the Sheriff's office or by the County's volunteer emergency services network. The development proposed is simply too dense, too isolated, and too poorly connected to the rest of the community. A development of this size would have to have a dedicated public (not private) safety and emergency service component financed to provide services from the outset of development.

But this is perhaps only the beginning of a larger set of problems. If this proposal is approved, it could set precedents for approval of other proposals of this size. The cumulative impact of this and additional proposals in similar remote areas inadequately served by services and infrastructure is daunting. We

in the northern part of the county have no plan or process now for the future provision of services.

In short, proposals of this size and scale should be located on principal transportation routes and inside the growth areas of our small incorporated and unincorporated towns. As a rural county, we have a responsibility to support existing communities already planning for community infrastructure, including water and sewer systems, parks, schools and other necessary services.

In addition to infrastructure problems, cars, kids, cats, and dogs can have unmitigable impacts on agricultural lands and livestock, and wildlife and wildlife habitat. Conflicts that result from the mix of suburban development and the working landscape are well documented. The county cannot be expected to monitor infractions and to hold developers accountable for potential cut fence, harassed animals, and habitat impacts.

And then there is the water issue. At 200 gallons of water per day per household, plus the need to retain sufficient water supply for fire protection and landscaping, the effect of this water sequestering on agricultural water users has not been definitively mitigated by the current proposal.

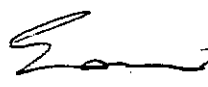
And finally, there is the urban wildland interface. In the event of a wildfire, how can public safety be assured in this dry and remote site if the Eight Mile Road in is closed off by fire or other impediment?

This is not about development in general, and there are elements of the proposed Aspen Springs that may be desirable on their own, or in another location. Perhaps that is the crux of the problem -- the location is so wrong. Aspen Springs is not "smart growth", nor is it "traditional". The developer would have you believe that this proposal is consistent with the growth policy. It could not be farther from the truth.

Please review this proposal carefully, weigh the costs and benefits to the people of Ravalli County. Please evaluate impacts and proposed mitigation. And then we trust you will do the only responsible thing, deny this proposal.

Thank you for the difficult decision in advance,


Philip Maechling


Sandra Alcosser

Renee Van Hoven

From: Karen Hughes
Sent: Monday, August 21, 2006 1:02 PM
To: Renee Van Hoven; Ben Howell
Subject: FW: Aspen Springs

Attachments: Aspen_BCC_.doc



Aspen_BCC_.doc
(27 KB)

Karen Hughes, AICP
Ravalli County Planning Department
215 S. 4th Street Ste F
Hamilton, MT 59840
Phone (406) 375-6530
Fax (406) 375-6531
khughes@ravallicounty.mt.gov

-----Original Message-----

From: Philip Maechling [mailto:pmaechli@co.missoula.mt.us]
Sent: Monday, August 21, 2006 12:59 PM
To: Karen Hughes
Subject: Aspen Springs

Hi Karen,

Sandra and I have a letter for the Commissioners for tomorrow's hearing. I am attaching it here, and sending it along in the mail as well. If you would be so kind as to pass it along to the BCC, we would be much obliged. Hope all goes well, and thanks, Philip

Philip Maechling,
Missoula Historic Preservation Office
435 Ryman, Missoula, Montana 59802
email: pmaechli@co.missoula.mt.us
phone: 406-258-4706; fax: 406-258-4903

Glenda Wiles

From: Ruth Kleinjan [rkleijn@hotmail.com]

Sent: Monday, August 14, 2006 6:34 AM

To: Glenda Wiles

Subject: Aspen Springs

I am voicing my support for denial of the Aspen Springs sub-division.

Ruth E. Kleinjan

634 Three Mile Creek Road

Stevensville MT 59870

406-777-9873

Ruth Kleinjan
rkleijn@hotmail.com
406-777-9873

8/14/2006

Glenda Wiles

From: jackbayer@peoplepc.com
Sent: Sunday, August 13, 2006 4:42 PM
To: Glenda Wiles
Subject: Aspen Springs Subdivision

Dear Commissioners:

I want to encourage all three of you to support the decision made by the Ravalli County Planning Department in which they did not approve the Aspen Springs Subdivision in the Florence area.

A subdivision of that magnitude will impact the entire county--not just the north end. The roads, schools, air quality, water, fire, police, building department, to name a few, will all be adversely affected if such a large scale development is approved.

I am not opposed to growth in the valley. Quality and controlled growth to an area is an asset, if managed properly.

Please set aside any personal advantages you might achieve by allowing this kind of growth to continue in the valley. The welfare and quality of the residents of Ravalli County must be your top priority.

Barbara Bayer
200 Hanover Court
Hamilton MT 59840

e-mail jackbayer@peoplepc.com

363 7949

Glenda Wiles

From: Arnie Eaton [aeeaton@cybernet1.com]

Sent: Sunday, August 13, 2006 4:20 PM

To: Glenda Wiles

Subject: Aspen Springs

I and my wife are fully against the subdivision known as Aspen Springs. This housing development will be a hardship on the Florence School and our local law enforcement depts. We, the citizens of Ravalli County, do not need the kind of problems this development will cause. The county Planning Dept have done their job and have recommended denial of this development. Now you must follow thru with your denial as well. Don't make Ravalli county a magnet for large development by out of state get-rich realtors.

Ann and Arnold Eaton, 238 Hillcrest Drive, Hamilton

PO Box 580
Florence, MT 59833

RECEIVED
AUG 09 2006
16-06-08-1275
Ravalli County Planning Dept.

August 8, 2006

Ravalli County Commissioners
Greg Chilcott
Alan Thompson
Betty Lund
215 S. 4th Street, Suite A
Hamilton, MT 59840

I'm writing to share my worry about the proposed Aspen Springs development and the similar proposed developments. I am the secretary-treasurer of a sixteen lot subdivision that is sandwiched in between two of the proposed developments. After polling almost all our members, I add their voices to mine in opposition to your approval of the Aspen Springs development. We urge you to send the developers back to the drawing board for a plan more in keeping with the eight mile area.

Our reasons are mainly due to the density and to the location. This type of development makes sense located next to an existing city with spare infrastructure such as water, sewer, police and fire. But not in the eight mile area nor off Dry Gulch Rd, for that matter.

My wife and I retired to your beautiful valley about five years ago. Before moving, we resided in northwestern Washington State where we were quite used to zoning and depended on it. In the absence of zoning, we made sure our new home here was subject to many enforceable covenants. It's a miracle development to date has been as benign as it has been. But the time has come for zoning. Even though zoning is imperfect, it is the only fair method. Immediately adopting the two acre minimum lot size for future development would be a good first step.

I appreciate the time you have taken to read this and your service to Ravalli County.

Thank you,

Larry Jones

Larry Jones
Secretary-Treasurer
Sinnissippi Views Ph II

Renee Van Hoven

From: Glenda Wiles
Sent: Monday, August 07, 2006 9:16 AM
To: Karen Hughes; Renee Van Hoven
Subject: FW: Aspen Springs Development

Info on Aspen Springs. I am forwarding it to you and not the commissioners. Can you include in the public comment portion.

Glenda Wiles
Administrative Assistant
Ravalli County Commissioners
215 S. 4th Street, Suite A
Hamilton, MT. 59840
406-375-6500
406-375-6507 Fax

-----Original Message-----

From: B&D Rowland [mailto:brucedorey@montana.com]
Sent: Friday, August 04, 2006 5:57 PM
To: Glenda Wiles
Subject: Aspen Springs Development

Dear County Commissioners,

I have not studied the plans for the proposal regarding the Aspen Springs Development, but would like to comment on the Developer. I am a homeowner in Canyon Creek Village. This development was built by Wesmont. I purchased my house during construction of the first phase. My wife and I are pleased for the most part with the neighborhood and our home. We are, however, concerned with the lack of planning and follow through in reference to the infrastructure. Our streets and alleyways have been failing since the completion of the first phase. Wesmont initially made attempts to fix the problem, but has since decided to turn over the responsibility of repair to the homeowners association. Consequently, we as homeowners will bear the burden of repairing our own infrastructure instead of using those funds to improve our community. Please take this into consideration as you consider the Aspen Springs development. I would also encourage you all to tour our development if you haven't done so already. I would be happy to answer any questions you may have pertaining to my experience with this developer. -Bruce Rowland 360-7967

RECEIVED

AUG 07 2006

LC-06-08-1250
Ravalli County Planning Dept.

PENNY RITCHIE
10 Kestrel Lane
PO Box 70
Florence MT 59833
406-273-2230

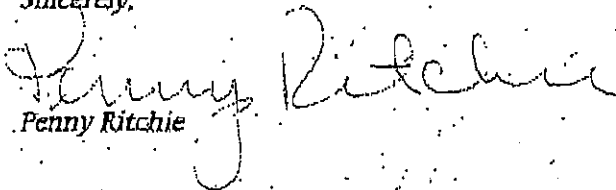
Friday, August 04, 2006

TO THE RAVALLI COUNTY PLANNING BOARD, PLANNING DEPARTMENT, AND
COUNTY COMMISSIONERS:

I want to express my thanks for all the time and effort put into the consideration of the Aspen Springs subdivision development in Florence. Thanks, especially, for coming to the conclusion that Aspen Springs should not be approved as proposed. I hope the County Commissioners read the full transcripts of the hearings and all written testimony, so they realize just how important it is that they require developers to meet the conditions required for development in this county. The bar is already pretty low - they don't need to lower it even further.

Again, thank you for listening to the people who live and work here, and thank you for having the courage to reject this proposal.

Sincerely,


Penny Ritchie

August 5, 2006

Carol A. Evans
332 Explorer Way
Florence, MT 59833
406-273-0806
email: bitterrootbabe@bresnan.net

Alan Thompson
County Commissioner
Ravalli County
215 S 4th St.
Suite A
Hamilton, MT 59840

Dear Alan,

I implore you to vote NO to the Aspen Springs proposed subdivision. My reasons are as follows:

1. Danger to the groundwater supply and pollution to the river and/or the aquifer.
2. Increased traffic congestion to an existing substandard and needless to say deadly intersection, bridge and road system.
3. Negative impact on fire protection and law enforcement agencies.
4. Further stress on already overcrowded school district.
5. Higher property taxes. (due to some of the above concerns).
6. Encroachment to wildlife habitat and further loss of open space.
7. Light pollution.
8. Further loss of the integrity of country living in the Bitterroot Valley.

I have talked to residents of the Canyon Creek subdivision in Missoula County, and they have expressed frustration in the inferior construction of their homes. We do not need another shoddy thing like that here in Ravalli County. It is deplorable for the "developers" to take this kind of advantage of low income families and the elderly.

And, in final thought, I suggest this be renamed the *Scrub Hills* proposed subdivision. There is no apparent existence of aspen on this land nor springs. I sincerely hope that the final decision is to **Scrub** the *Aspen Springs* subdivision altogether.

Thank you for taking the time to consider my opinions.

Sincerely,



Florence Montana
August 2, 2006.

FROM:



Davy & Connie Herd
348 Explorer Way
Florence, Montana
59833

406-273-0036

Ravalli County Planning Dept.
215 South 4th Street
Hamilton, MT. 59840

RECEIVED
AUG 07 2006
15-06-08-1260
Ravalli County Planning Dept.

Subject: Aspen Springs Subdivision

TO WHOM IT MAY CONCERN;

As a property owner in Hidden Valley, I
would like to voice my opposition to this
subdivision.

Unless the homes are restricted to at least
one acre per home, the developer pays for the
new school and police, fire facilities, and any
new roads and bridges to span the Bitterroot,
and furnish large Parks and walkways,
this project could put unnecessary financial
strain on our homes, property and lives.

Don't give in to the pressures being applied by
the developer. Davy Herd

Ben Howell

From: Allison Kinney [truehues@msn.com]
Sent: Wednesday, August 02, 2006 4:34 PM
To: Ben Howell; Alan Thompson; Greg Chilcott; Betty Lund
Subject: Aspen Spring

Please do not approve the Aspen Springs subdivision proposed in Florence Montana. My concern is for the young people and the development of community, as a process that belongs to the inhabitants, not outside developers

The beauty of the Bitterroot Valley has made this one of the fastest growing counties in the state of Montana for 10 years. This growth has come in the form of new housing and subdivisions, not sustainable economic growth. For all its beauty, it is socially isolating, remote and its recreational opportunities are often inaccessible to young people with limited access to transportation. For many young people the school bus is the only way they travel to and from their homes during the week. Parents are driving 40 to 50 miles to work, driving an average of 30 minutes, 5 minutes longer than the national mean time, leaving young people unsupervised after school and in the summer. Communities around the nation are now beginning to document the risk factors that increase based on "drive in, drive out communities and cultures." The small rural communities have no resources for young people beyond the overcrowded schools, where school resources are limited and shrinking. There are few after school programs or community centers open, and the few businesses in small towns do not cater to young people. There is a burgeoning clash of culture between the old self-sufficient western life and the new sophisticated urbanites. Before this commission allows the valley it is imperative that they address the economic infrastructure

According to the Prevent Needs Assessment, completed by Ravalli County Youth through the MT Dept of Health and Human Services, the identified risk factor 'Transitions and Mobility' has risen 7.8% for 8th grade students since 2002 (from 41.1 % to 49.2%) and more than half of all young people report low neighborhood attachment and community disorganization. Youth violence is up in all three grades measured. Unstructured social activities for youth lead to a rise in delinquency rates, arrests are up for property crime and vandalism.

The risk factors that exist in the lives of youth in Ravalli County are rising. Bringing new families into a "Drive Away Community" only creates an even larger strain on the already overburdened school and law enforcement communities.

Respectfully,
 Allison Kinney- Florence, MT

A brief Ravalli County Youth Risk Behavior Assessment:

The prevalence of Underage Drinking in Ravalli County remains consistent. The number of Ravalli County students that reported drinking alcohol in the past 30 days is higher than the national norm by five percent. Youth who binge drink in Ravalli County exceeds the state and seven state norms as identified by the Prevention Needs Assessment. Twelfth grade students surveyed report binge drinking at a rate of 45.3%. Our motor vehicle accident death rate in Ravalli County is 24.8(n=43), higher than the rate for the

8/2/2006

state of Montana. Nine point seven percent (n=404) of reported motor vehicle crashes in the county involve alcohol. Montana leads the nation in deaths related to driving under the influence. Montana youth 15 years old can get their drivers license after completing Drivers Education classes, and 14 year olds can get a provisional license with parental consent.

Suicide is the second leading cause of death for Montana youth ages 10-24. Montana is ranked in the top five states for the highest rates of youth suicide for the past several decades. The state suicide rate is 16.7 per 100,000. Alcohol and drug impairment, hopelessness and underlying mental illness all contribute to these high rates. In 2003, 26.4% of Ravalli county youth said they felt sad or hopeless almost everyday for two weeks or more in a row which stopped them from doing some usual activities. Marijuana use is up in both 10th and 12th grades and is comparable to the state norm. Inhalant use in the 8th grade is up from 10.7% to 14.3%, significantly higher than the National average (9%) for 2003 according to National Institute on Drug Abuse. Thirty Day Use of inhalants is up in both the 10th and 12th grades. This same age group identify themselves a sensation seeking and nearly half do not perceive drug use as a risk. According to the 2004 report published by the 21st Judicial District Youth Court serving Ravalli County, drug offenses in Youth Court increased by 200% from 1995 to 2003. Twenty three percent of all criminal offenses handled by youth court were for alcohol, dangerous drug possession, or sale of drugs on or near a school.

Reported use of methamphetamine is increasing in Ravalli County. According to the National Drug Intelligence Center 12.6% of adolescence in Montana use methamphetamine compared to 9.8% nationally. Ravalli county ranks second in the state of Montana for discovery and arrests of clandestine methamphetamine labs, and methamphetamine was a factor in 75% of child abuse arrests in Montana in 2002. Montana is second in the nation for illicit drug use.

Ben Howell

From: Ferguson, Cindy [CFerguson@mso.umt.edu]
Sent: Wednesday, August 02, 2006 10:10 AM
To: Ben Howell
Subject: Aspen Springs Development

Planning Board,

I just want to voice my displeasure to the proposed Aspen Springs Development. I live on 8 Mile Creek Rd and I am very worried about what that much growth will do to the water supply and the overall environmental impact. I know of several people whose wells have gone dry in the last year with the current development rates. I don't see how our schools can handle that much growth and fire and police protection is also insufficient for that large a development. I understand that the development would span over 20+ years but I think it's just too concentrated.

I also understand that they are asking for 8 variances. Why not just stick to our Subdivision Regulations? I know that money talks but what about all of us that live here already? I'd be really surprised if the local residents would be flocking to the new subdivision because of the cost of new housing and our local economics. Aren't you supposed to be looking out for your constituents?

Has the county done a full environmental impact report, I wouldn't trust the developer to give us the straight scoop. Legacy Ranch and Aspen Springs is not something that most of us in the Bitterroot Valley want. Developers are just trying to make a buck and to hell with the rest of us. Take care of us, take care of the Bitterroot Valley and DO NOT grant these variances.

Mike and Cindy Ferguson
475 Eight Mile Creek Rd
Florence, MT 59833

8/2/2006

Ben Howell

From: Ferguson, Cindy [CFerguson@mso.umt.edu]
Sent: Tuesday, August 01, 2006 5:22 PM
To: Ben Howell
Subject: Aspen Springs Development
Importance: High

Planning Board,

I just want to voice my displeasure to the proposed Aspen Springs Development. I live on 8 Mile Creek Rd and I am very worried about a development this large and the effect it will have on the water supply and the overall environmental impact. Our schools certainly won't handle that much growth. I understand that it will be over a 14+ year time period, but it's still too many. Has anyone (besides the developer) done an environmental impact study? I know several folks in the area who's wells have gone dry in the last year, with the growth as it is now. How about 600+ new septic systems.....

I don't want a development that size that close to my property, period.

I feel exactly the same way Shaen McElravy, Stevensville does:

"I know that commissioner Greg Chilcott has said repeatedly that county commissioners are afraid of being sued by developers. Well, the commissioners need to be worried about being sued by the citizens of the county they were hired to serve. The commissioners are under oath to protect the lives, freedoms and health of the citizens of their county. If they approve either of the proposed subdivisions without an environmental impact statement the citizens need to rise and have them removed from office.

It is all about time. We do not have time to undo the bell that was rung allowing mega subdivisions into our valley without a full environmental impact study.

It is time that we have real planning and zoning in place. Now, is the time to sign the petitions and get emergency interim zoning in place limiting subdivisions to one home on two acres.

Legacy Ranch - Aspen Springs not even once."

Shaen McElravy

Stevensville

Please listen to the folks living here - no Legacy Ranch and no Aspen Springs!!!!

Mike and Cindy Ferguson

475 Eight Mile Creek Rd.

Florence, MT 59833

8/2/2006

Ben Howell

From: Kathy Jarvis [kathyjarvis@pacblu.com]
Sent: Friday, July 28, 2006 8:10 AM
To: Ben Howell; Alan Thompson; Greg Chilcott; Betty Lund
Subject: Please deny Aspen Springs

I respectfully request that you deny approval for the Aspen Springs subdivision. While I do not oppose growth in the valley, I feel the growth should be responsible. This proposed "town" in an area with no infrastructure to support it is simply not responsible growth and will be detrimental to our county.

Thank you for your courtesy,

Kathy Jarvis

Kathy Jarvis
Customer Service Representative
PACBLU Northwest
P. O. Box 277
Florence, MT 59833
Phone: 406.777.1816
Email: kathyjarvis@pacblu.com

This electronic message is intended only for the individual or entity to which it is addressed and may contain information that is confidential and protected by law. If you are not the intended recipient of this e-mail, you are cautioned that use of its contents in any way is prohibited and may be unlawful. If you have received this communication in error, please notify the sender immediately by e-mail or telephone and return the original message by e-mail to the sender.

7/28/2006

Ben Howell

From: Eve Wight [emwight@centric.net]
Sent: Friday, July 28, 2006 8:00 AM
To: Ben Howell
Subject: Aspen Springs

I have to admit, I've stayed out of the discussion about Aspen Springs in Florence. I thought, "This is so awesomely ridiculous that there is no way that anyone could possibly take them seriously." Now, time is passing and I am getting worried. The projected water use (400,000 gallons per day!) alone is more than enough to negate any serious consideration of this development. I realize development will occur. My family was part of development of previously bare land in the 8-Mile area a little over 15 years ago. I'm okay with that as long as it is done wisely. But here, in Riverview Orchards, the density has (with a few exceptions) been kept at 1 house for each five acres. It has been accepted that this is a reasonable density for wells and septic systems for this land. Then how can, within a stone's throw, there be a development with a density of 636 homes on 393 acres? It is so unreasonable as to be ludicrous. I'm still hoping that someone with some responsible reasoning abilities will step in and stop this madness soon.

Ben Howell

From: mcgee@montana.com
Sent: Tuesday, July 25, 2006 5:32 PM
To: Ben Howell
Subject: Aspen Springs

Dear Mr. Howell,

I live up 8 mile Road in Florence. I am very concerned about the Aspen Springs development. I wasn't aware that there is some large industrial operation in need of 600+ workers in Florence. This developer keeps focusing on the "affordable housing" for working people. Where will they work? Missoula? Great, increasing our dependence on foreign oil even more by increasing gasoline consumption and more cars on the roads means increased global warming. Increased global warming increases our fires. Just what we need; more fires.

Secondly I am more concerned about our water issues on this side of the highway. It has been known for a very long time that the east side of the highway has problems with water. Cisterns is not unheard of on this side of the highway. If this development is allowed even in reduced numbers, I will sue to maintain my water supply (water rights you know). You know I'm not alone on that issue. Ravalli will be know as the last best place for Lawyers to relocate to.

Somebody in this state has to draw a line. If we keep allowing these large developments, we won't be the last best place anymore. Wildlife will be depleted and the pollution will prevent people from wanting to vacation here. We will become just like any other place in the U.S. If people can't afford to live here---MOVE! We don't need the financial burden of increased taxes to support those who can not support themselves.

PLEASE STOP THIS INSANITY!

Sincerely,

Robbie McGee

PRESERVE BITTERROOT QUALITY

The Bitterroot Valley is a healthy natural, cultural, and historic community. It's Bitterroot River serves Montana, Idaho, Washington, and Oregon; U.S. Highway 93 is the single road that fully serves the narrow valley. High mountains surround this 4-15 mile wide valley that will not easily allow air pollutants such as fires, vehicular exhaust, etc. For these national reasons, mega-subdivisions cannot be safely supported.

Within a handful of miles around Florence, requested Legacy Ranch, Aspen Springs on Eight Mile Road, and Missoula County's Bitterroot Resort total about 3500 homes. Already heavily used, only 12-mile long Montana State Highway 203 between Florence and Stevensville connects Legacy Ranch and Aspen Springs to Highway 93. Both mega-subdivisions would likely soon require replacement of the Florence Bridge over the Bitterroot River and a revision of Eight Mile curve that is starkly lined with crosses in memoriam. For these state reasons, these mega-subdivisions cannot be safely supported.

Between Legacy Ranch and Aspen Springs, I live in Eagle Watch; the Bitterroot's first large subdivision. It is within four miles of Florence. Original covenants allow only one house per two acres. So far, this retains Bitterroot Valley quality and home values. South Hidden Valley just north is similar. Over 5000 hand-written Ravalli Co. signatures support this kind of large-subdivision policy, yet it is not in effect.

With my family here 138 consecutive years, I can count 17 Bitterroot grandparents over five generations. With my parents, husband and me, my grandchildren count 21; others may share about as many. Thus far, each heritage preserves quality foundations.

Great-grandfather Ruben Holden, Sr., with help, built a Florence road from his homestead north to his half-brother Robert Carlton on his 1860's namesake, Carlton Creek, and south to their mother Eliza and stepfather Larry Lavey for whom Larry Creek and U.S. Forest Service Campground are named. In part, this is Larry Creek Loop, Hoblitt Lane, Florence-Carlton Loop, and Old Highway 93—true road foundation.

In 1878, Eliza Lavey stood as official witness at the confirmation of 95 mostly Salish Native American neighbors at Stevensville's St. Mary's Mission. Although Catholic, in 1884, her son and his wife, Robert and Mary Lavey Carlton donated land for the Florence-Carlton Community Church and Cemetery still used today. Spirits thrive in Bitterroot sanctuaries from Lolo Peak to Como Peak.

With U.S. Forest Service dedicated help, we protect surrounding national treasures, clean water and Carlton Ridge's unique natural crossbred western and alpine Tamarack into perpetuity. This is evident in over 4000 hand-gathered signatures (not from an internet site such as Bitterroot Resort provides) that, upon request, I hand-delivered to Stevensville District as voices to safeguard irreplaceable, pristine natural environment on nationally-owned, non-motorized, primitive Lolo Peak and Carlton Ridge where we, through the ages, watch wildlife, hike, swim, camp, hunt or fish. My grandchildren first experienced this at ages five and seven while meeting dozens of hikers from all over who are sensitive to special needs in this area—an economic success. Seven ski resorts are in close proximity, including Missoula's Marshall, unfortunately closed due to lack of snow. A proposed Bitterroot Resort should not further stress the area with chair lifts over Carlton Ridge and irrigation water to make snow.

Thriving sanctuaries are also evident in a spring 2005 Middle East Fork project tour of national importance in representing timber industry, USDA, other environmental and conservation interests, and those of us independent of any organization. Amazingly, there was

infeasible cost for local school "bio-mass" with even give-away MEF wood and slash. Not surprisingly, as Alternatives Two and Three show, virtually everyone agrees that fire protection for the people who share this sanctuary is primary.

A well-founded Montana motto is, "There is no such thing as strangers, only Friends we haven't met." For the most part, we know and help each other. Along the Bitterroot River, only Missoula, Stevensville and Hamilton have police and fire departments. We rely on Missoula and Ravalli County sheriffs, as well as volunteer fire departments, emergency services, and neighborhood watch. Subdivision directives against variances reflect similar community common sense, courage, conviction, and commitment.

Our communities revolve around our children. The Holdens built a log school on their homestead in 1885. They again donated land, labor, and materials for a frame Holden School in 1893. Remodeled and red, this stands between Highway 93 and Hoblitt Lane south of Florence. Also, great-great grandparents John and Sarah Schaefer and family arrived from West Florence, Ohio, to One Horse, later named Florence. Their son and his wife, great-grandparents George "Bill" and Martha Burton Shaffer donated land for the Eight Mile School west of Upper Woodchuck on Eight Mile. It is remodeled into a home. Eight Mile, Holden, Bass, and Carlton schools consolidated in the 1940's into Florence-Carlton. Florence high school already estimates a cost of over \$10,000 per student to maintain what is there. Bitterroot Resort is in Missoula County, yet nearby Lolo has no high school. What schools will developers grant our children?

The Bitterroot River and its valley's precious life are at relentless, reprehensible risk that requires inexcusable needs, taxes, and traffic. This further leads too close to a possible parallel:

October 4, 1891: The U.S. government orders the Salish out of the Bitterroot to the Flathead Reserve despite local protest including from my family and Catholic priests; takes possession of Native homes and farms; and opens the Reserve to homesteading in 1902.

October 5, 1891: The U. S. government sells these Native Bitterroot parcels to the highest bidder.

What legacy will we leave?

Cheryl Holden Rice

Cheryl Holden Rice
329 El Capitan Loop
Stevensville, MT 59870
406-777-3803

Renee Van Hoven

From: Karen Hughes
Sent: Tuesday, September 05, 2006 9:46 AM
To: Renee Van Hoven
Subject: FW: New Information for Aspen Springs

Karen Hughes, AICP
Ravalli County Planning Department
215 S. 4th Street Ste F
Hamilton, MT 59840
Phone (406) 375-6530
Fax (406) 375-6531
khughes@ravalliacounty.mt.gov

-----Original Message-----

From: philip maechling [mailto:maechling@bigsky.net]
Sent: Tuesday, September 05, 2006 9:27 AM
To: Karen Hughes
Subject: New Information for Aspen Springs

Hi Karen,

Aspen Springs is now going back to the Planning Board. I have a few questions:

When will the hearing be reopened?

Can there be any ex parte communication with either the Planning Board members or the Commissioners until the hearing is reopened?

What is the new information to be considered, and is it available to the public? And if so, can we have a copy?

Thanks in advance,

Philip

--

Philip Maechling
5791 West Countyline Road
Florence, Montana, 59833
maechling@bigsky.net 406-273-0560

Ben Howell

From: Karen Hughes
Sent: Thursday, August 24, 2006 10:54 AM
To: Renee Van Hoven; Ben Howell
Subject: FW: aspen springs

Please put in the appropriate file.

*Karen Hughes, AICP
Ravalli County Planning Department
215 S. 4th Street Ste F
Hamilton, MT 59840
Phone (406) 375-6530
Fax (406) 375-6531
khughes@ravallilicounty.mt.gov*

From: Betty Lund
Sent: Thursday, August 24, 2006 8:19 AM
To: Karen Hughes
Subject: FW: aspen springs

I DIDN'T READ THIS

-----Original Message-----

From: Chris Rosenau [mailto:crosenau@rkymtn.net]
Sent: Wednesday, August 23, 2006 5:44 PM
To: Betty Lund
Subject: aspen springs

Hi Betty,
I just wanted to express my opinion on Aspen Springs. To simplify the abundant reasons why Aspen Springs is a permanently detrimental idea, I hope you deny the request to the developer for the simple fact that a new town with no infrastructure built into it cannot be sustained by the infrastructure of the surrounding small towns. This is regardless of how long it will take to build all the phases. By the way, who stops Wesmont from building the whole town in a few years if you guys approved it? Also who enforces that they stick to the requirements they have agreed to? What's to stop them from doing whatever they want once approved? (I'm seriously curious, that's not a rhetorical question).

I realize you're a real estate agent, but PLEASE try to put that aside.

Thanks,
Mrs. Chris Rosenau
Stevensville

8/24/2006

RECEIVED
AUG 16 2006

Ravalli County Planning Dept.
Public Hearing

Sarah McMillan,
Attorney at Law

rec'd @
BCC Mtg.

P.O. Box 7435
Missoula, Montana 59807
Telephone: 406-728-5096
Facsimile: (406) 542-5031
mcmillan@centric.net

RECEIVED
AUG 23 2006

Ravalli County Planning Dept.
Public Hearing

August 23, 2006

Please accept these comments submitted by Sarah K. McMillan on behalf of Florence Coalition Against Aspen Springs and Bitterrooters for Planning at the August 23rd, 2006 Ravalli County Commissioner's meeting re: Aspen Springs proposal for development.

Public Participation

Article II, Section 8 of the Montana Constitution enunciates the public's fundamental right to participate in the government's decision making process" The public has a right to expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies **prior** to the final decision as may be provided by law." The Montana Constitution is to be given a "broad and liberal interpretation." *SJL of Mont. Assoc. v. Billings*, 263 Mont. 142, 146, 867 P.2d 1084, 1086 (1993).

In *Bryan v. Yellowstone*, 2002 MT 264, 60 P.2d 381, a citizens group challenged decisions made by School Board committees evaluating possible school closings. Specifically, the group contended that the Board's failure to provide copies of a crucial document to the public violated both Article II, Sections 8 and 9. Plaintiff alleged she could not effectively exercise their Article II, Section 8 right to participate because the school district violated her Article II, Section 9 right to examine public documents. *Id.* ¶ 41. The Court noted the issue came down to interpreting "reasonable opportunity" under Article II, Section 8, and concluded that, at a minimum, "the 'reasonable opportunity' standard articulated in Article II, Section 8 . . . demands compliance with the right to know contained in Article II, Section 9. *Bryan*, 2002 Mont. at ¶ 44.

The *Bryan* Court rejected the District's argument that because the public had been given the right to speak, that was adequate. "Such a superficial interpretation of the right to participate to simply require an uninformed opportunity to speak would essentially relegate the right to participation to paper

tiger status in the face of stifled disclosure and incognizance. *Bryan*, ¶ 44. The Court concluded by stating "in essence, when the District violated Bryan's right to know, it reduced what should have been a genuine interchange into a mere formality." *Id.*, ¶ 46.

The problem here, is that the developer has so often altered his application, without actually amending the application, that the public does not know precisely what it is commenting on. For example, are the plans for improvement of roads accessing the development to be reviewed as the developer submitted them? Or is this to be considered an "amended" application with the new improvement plans and proposed "latecomers" agreement? Will the Commissioners allow a newer plan to have only emergency access to the South through an adjacent subdivision? The public cannot meaningfully participate when the public is uncertain precisely what the application under review actually is.

Another participation issue is that the Commissioners noticed two public hearings in two separate towns on two separate nights, yet closed public comment at the conclusion of the first hearing. You do not know how many people intended to submit comment at the second hearing. When you notice two separate public hearings, you cannot decide to allow no further public comment unless you informed the public of the fact that public comment would not be allowed at the second meeting.

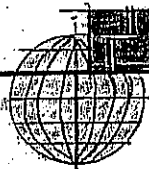
You Must Make A Decision on The Application submitted to the Planning Staff, not the Application as Proposed to be Altered but NOT Formally Amended During the Process.

As noted as late as last night, the Planning Staff still does not consider the application sufficient, noting that it does not wish to make a recommendation until additional information is submitted. RCSR require that no action be taken until the Staff determine that the application is complete **and** sufficient. 3-2-1(c). Obviously, this application is still, at this late stage not sufficient, and it should never have been rushed out to the Planning Board and for Public Hearings.

Moreover, the developer has proposed numerous different changes throughout this process, but has never actually asked to amend his application- presumably because the developer would then need to ask for an extension of the review period and resubmit the amended application, pursuant to 3-2-25(f)(11)(a) and its accompanying note. But the developer has wanted to force this application through the process, changing things along the way without formally amending the application. There is a process by which the developer can amend his application, but the developer, in his rush to get this through the process before the enactment of revised subdivision regulations and new zoning regulations, has refused to

amend the application. Amending would send it back to the first step, nor has the developer allowed more time for either the Planning Staff or the Board to gather all the information and adequately review this massive proposal.

The County Commissioners must therefore review the application as it has been formally submitted to the governing body. The Commissioners cannot consider newer proposed changes that have been submitted since that time, but for which the developer has not asked the opportunity to amend his application. It is the application that the Staff said lacked sufficient information and recommended denial on that basis and the application that the Planning Board also recommended denial that you must review and decide upon.



RECEIVED

AUG 23 2006

LC-06-08-1338
Ravalli County Planning Dept.

22 September 2006

Ravalli County Commissioners
Hamilton, MT 59840

Dear Commissioners:

This letter is a follow-up of my comments at last night's meeting:

- 1) Global warming issues are on us now. Climate evolution is at hand. Our snow pack is melting off as much as a month earlier than just 50 years ago. There will be affects growing more pronounced as time progresses - particularly important is ground water depletion probabilities.
- 2) Our valley is bounded by two mountain ranges and represents a closed space. The valley offers finite resources able to support a maximum population that has not been determined. We need to understand what the limitation is in order to effectively plan.
- 3) How much can the land sustain? Sustainability goes directly to balance.
- 4) What is the appropriate density for this place or that? Arbors style density - proposed by Aspen Springs and others - is only appropriate in proximity to urban centers where people can make short vehicle trips, walk or use mass transit. These are not "communities" as they say. These are very high density clusters with limited access to light and air. Look at the houses across from the old Westview School. Will these promote long-term life-health benefits?
- 5) What is an appropriate expression determined by the ecology? The land use and architecture should reflect/preserve the ecology of the site/domain. Typical or conventional developer format will scrape the ecology away and replace it with sod and tacky boxes. Water will be exploited to squirt the grass.
- 6) Do the inhabitants have a responsibility to provide vigilant stewardship of the land they affect? I heard nothing about how the so-called open space will be protected and maintained so that the natural ecology can flourish.
- 7) When is our valley "full" and what sort of garden has been made?

What we do now impacts sustainability for a long, long time. Can we be keepers or will we be users?

Sincerely and Respectfully,

Lee Kierig, ARCHITECT

Jennifer DeGroot

From: Sarah K. McMillan [mcmillan@centric.net]
Sent: Wednesday, August 23, 2006 8:29 AM
To: Glenda Wiles
Cc: Planning
Subject: Aspen Springs

Attachments: Aspen Springs comments to County Commissioners 8 22 06.wpd



Aspen Springs
Comments to Coun

Good morning,

Attached you will find my written comments - part of which I had time to present to the Commissioners last night at the meeting in Florence. I had understood there was to be another public meeting this evening in Hamilton and because of that, believed my written comments could be submitted today. Thank you for allowing this submission, and for allowing an opportunity to provide comments on Aspen Springs.

Sarah K. McMillan
Attorney at Law
P.O. Box 7435
Missoula, MT 59807
Phone: (406) 728-5096
Fax: (406) 542-5031

This message is intended only for the use of addressee and may contain information that is privileged, confidential and exempt from disclosure as attorney-client and work-product confidential or otherwise confidential communications. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication or other use of a transmission received in error is strictly prohibited. If you have received this transmission in error, immediately notify me at the above telephone number.

*Sarah McMillan,
Attorney at Law*

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AUG 23 2006

Ravalli County Commissioners

P.O. Box 7435

Missoula, Montana 59807

Telephone: 406-728-5096

Facsimile: (406) 542-5031

mcmillan@centric.net

August 23, 2006

Please accept these comments submitted by Sarah K. McMillan on behalf of Florence Coalition Against Aspen Springs and Bitterrooters for Planning at the August 22nd, 2006 Ravalli County Commissioner's meeting re: Aspen Springs proposal for development.

At the outset, I would like to remind you that in making your decision, you must act in the public interest. See It is this interest and state laws and your own regulations, and not the financial interests of the developer that must guide you in your decision-making. I would further ask that you take to heart the recommendations of both the Planning Staff and the Planning Board that this subdivision proposal be denied. Aspen Springs is not in the public interest, will significantly affect wildlife and wildlife habitat, will have a significant affect on local services, and will have a significant affect on the public health and general welfare and

PROCESS

This process has been irregular from its very inception and has in fact failed to comply with laws and regulations that govern the process. There are two separate determinations the Planning Staff must make, one is a "completeness" determination as to whether the application contains the materials required as set forth in 76-3-604(1)(a) and in Appendix B to the Subdivision Rules; the other is a "sufficiency" determination as set forth in 76-3-604(2)(a) as to whether the application contains detailed, supporting information that is sufficient to allow for the review of the proposed subdivision. Despite the Planning Staff's finding that the application did not contain sufficient detailed supporting information to adequately review and make recommendations to the Planning Board, the Developer insisted the Staff proceed with public hearings before the Planning Board. It is at this stage that the first error was made- the Staff should not have acquiesced to the Developers demand to move forward until the Staff determined it had sufficient information to allow review of the proposed subdivision.

It is only when a sufficiency determination has been made that the strict timelines for subdivision review are triggered. That timeline has never in fact been triggered as no such sufficiency determination has been made. Further, it is only when the sufficiency determination is made that the regulations then in place will govern the proposal. This application has never been deemed sufficient, and although the County has behaved as if the timelines had been triggered, they have not been. The Commissioners should deny this application on several bases, as set forth in the comments previously submitted, and presented here this evening, and because the application should not have been forced through this review process before the Staff determined that it contained detailed and supporting information sufficient for review. The fact that the Staff felt it should acquiesce to the Developer's insistence further underscores the fact that the entire

subdivision review process this County is geared to accommodate the developer and his interests rather than the interests of the public. Even at the 6th and final Planning Board hearing on July 24, 2006, the Staff still affirmed that it lacked necessary information to make an adequate review. Thus, even at that stage, the Staff determined the application was insufficient. The Staff at that meeting further stated that if it had to make a recommendation at that time, it would recommend denial of the proposal. The sufficiency determination required by 76-3-604(2) has never been made and this proposal should not have left the Planning Staff until the Staff had determined that it had sufficient information to make a recommendation to the Planning Board. Continuing in the vein of pushing things forward before they are ready, the Developer refused to allow the Planning Board more time so that the information sufficient for evaluating the proposal could be gathered.

Again, because the Developer wanted to push this development forward, the Planning Board was forced to vote on the proposal although several of them felt they needed additional information.

The public was repeatedly informed that it must constrain comments to the 6 review criteria in 3-2-7(b) RCSR, but the law requires that the public be allowed to comment on all criteria in 3-2-7, including whether this proposal complies with laws and regulations and is in the public interest, as set forth in 3-2-7(a).

The back and forth nature of allowing comment, closing to public comment, and then reopening to public comment and then allowing the developer to rebut and then again to close is a significant barrier to public participation. At least some of the problem could be fixed if the public were given the opportunity to rebut and significantly, if the developer were required to submit all of its information up front rather than as the process is ongoing.

There was also a change in position at the end of the third meeting regarding whether cumulative impacts would be considered in this subdivision application, allowing the Planning Board to consider cumulative impacts. And then at the conclusion of the final public hearing, the public and the Board were informed that the Board could only consider past impacts, not future impacts, even if the future impact was a proposed subdivision. The advice to ignore proposed subdivisions and other foreseeable impacts flies in the face of well-settled law in the federal arena where when an agency reviews a particular project, it must consider all foreseeable impacts. Also significant is that from one meeting to the next, it was unclear to the public whether cumulative impacts past, present, future would indeed be evaluated or not. should have come at the outset of the process. The process must be clearer, and the groundrules must be a solid foundation for this process and not constantly shifting.

SMART GROWTH

While the developer touts this development as "smartgrowth," it in fact represents the antithesis of smart growth. In general, smart growth invests time, attention, and resources in restoring community and vitality to center cities and older suburbs. Smart growth is more town-centered, is transit and pedestrian oriented, seeking to develop communities where you can live, work, learn, worship and play, with a mix of housing, commercial and retail uses. It also seeks to preserve open space and many other environmental amenities. A new suburb that is as large as the closest town that has no connection to mass transit, that has no infrastructure, is not smart growth. Indeed, one of the primary issues in smart growth is questioning the economic costs of abandoning infrastructure

in the city, only to rebuild further out. Don't be fooled by attempts to make Aspen Springs sound like a utopic smartgrowth village. Aspen Springs is not smartgrowth.

GENERAL STANDARD FOR DECISION ON APPLICATION

Pursuant to your own regulations, you may only approve this application if you find that it meets the standards in your regulations and the Montana Code and if it is in the public interest. 3-2-7(a) RCSR. Here, the application asks for several so-called "variances" from your regulations that would allow the developer to fail to comply with the County's regulations. For the most part, these requests do not seek "minor deviations" from "strict compliance" (see 8-1-3 RCSR) with your regulations as may be allowed if "specific criteria" (76-3-506; 8-1-3(1) RCSR) are satisfied. Instead, many of these variance requests seek to circumvent the intent and purpose of the regulation, which requires you to deny the variance request. See 8-1-7 RCSR.

Public Interest:

The Planning Staff and Board have received much comment from the public and from various service providers and agencies that indicate this proposal is not in the public interest for a variety of reasons. I will not here reiterate those comments but simply ask you to carefully review these comments, including the Sheriff's comments, the Fish Wildlife and Parks comments that raise concern over areas of this proposal that infringe on important winter habitat (not only for elk, but also for Mule Deer). There is substantial concern that the proposed development will negatively impact the Florence School, roads, police and fire protection, water quality, and significantly change the character of the area. These are concerns that you must take to heart when you evaluate whether this proposal is in the public interest.

It is the public's rather than the private developer's interests that must govern the Commissioners' deliberations. The Commissioners must consider the project in its entirety, along with the effects of other developments in the county, when evaluating whether the development is in the public interest. Here, where DEQ has refused a non-degradation permit, where insufficient well data has been submitted to the governing state agency, where the ground and surface waters are already at risk from development in the county, the Aspen Springs project is not in the public interest.

The Commissioners have recognized there is an emergency situation putting the public health, safety and general welfare at risk as a result of the exploding growth in the county. The recognition of the emergency resulted in your adoption of an interim zoning regulation for large retail stores pending development of permanent zoning regulations. Also in recognition of the out-of-control growth in the valley, there is currently a citizens petition that will put another interim zoning regulation on the ballot in November. This interim regulation will establish a density requirement of one house per two acres and would preclude this subdivision.

The EA submitted with the application fails to satisfy the criteria set forth in 76-3-501, Mont. Code Ann. including that it lacks the necessary community impact report, which must evaluate the needs of the proposed subdivision for local services, including education and busing; roads and maintenance; water, sewage, and solid waste facilities; and fire and police protection.

Variances

Variances are allowed pursuant to essentially a two-tier analysis, first, under 8-1-3, the Commissioners must find that strict compliance will result in undue hardship, that a minor deviation from the regulation may help alleviate unnecessary hardship without circumventing or undermining the intent of the regulation. Thus, only after it has been determined that the applicant requests relief from "strict compliance" on the basis that it would result in "undue hardship" and when the Commissioners have determined that strict compliance is not essential to the public welfare, can the Commissioners even consider the local regulation's criteria in 8-1-7 for the review of variance requests.

The Montana Subdivision statutes provide that the governing body may grant variances from the regulations when strict compliance will result in undue hardship, when compliance is not essential to the public welfare and when the request satisfies the **specific** variance criteria contained in the governing body's subdivision regulations.

This County has interpreted the variance provisions in a manner that allows inconsistent and unpredictable results. The "very specific criteria" that are used to review must be employed in the "Specific" manner that they were written. As other counties that have adopted identical specific variance criteria have done (see Flathead, Yellowstone, Lewis and Clark, and Gallatin County variance regulations), the County must only grant a variance when the requester has satisfied each and every criteria. Montana case law has established that the following conditions be present before the granting of a variance is proper: (1) the variance must not be contrary to the public interest; (2) a literal enforcement ... must result in unnecessary hardship owing to conditions unique to the property; and (3) the spirit of the ordinance must be observed and substantial justice done."

Cutone v. Anaconda Deerlodge, 187 Mont. 515, 521 (1980). These conditions echo the initial consideration the Commissioners must conduct, to determine if the first tier analysis could support the second tier review of the 8-1-7 RCSR variance criteria.

Variance Requests from Project Phasing, Section 3-2-21.

The subdivider has applied for a variance from RCSR 3-2-21, which states:

3-2-21. Project Phasing.

(a) *Generally.* The Board of County Commissioners may at its discretion approve a phased subdivision project if it meets each of the following conditions:

- (1) the proposal contains twenty (20) lots or more,
- (2) there are only two phases to the project,
- (3) the second phase is dependent upon the completion of the first phase (e.g. roads),
- (4) the preliminary plat for the first phase is filed within two (2) years of the preliminary plat decision (extensions to this approval period not permitted), and
- (5) the preliminary plat for the second phase is filed within four (4) years of the preliminary plat decision (extensions to this approval period are not permitted).

(b) *Imposition of Conditions.* The Board may impose conditions if necessary to account for issues that phasing may raise.

Contrary to submission made by the developer's attorney, your phasing regulation is not "repugnant to and in conflict with" the subdivision statutes. Indeed, there is no reference to any specific provision that the phasing regulations are alleged to conflict with. Nothing in the Subdivision statutes precludes the local government from enacting regulations that limit phasing to four years, and doing so is repugnant to neither any language nor any purpose of those statutes. Your phasing regulation that limits phasing to four years recognizes that changes occur over time in subdivision regulations and in the public interest, and that for you to do your jobs, you must not be allowed to approve a project under current regulations, or lack thereof as is the case with zoning, and have that project be built twenty years later when the laws and regulations may be substantially different. Although it is the DEQ regulations in effect at the time of each phase of development that will govern that phase, the subdivision regulations and zoning regulations currently in place will govern the entire twenty two year development if this variance is requested. Indeed, the Commissioners have committed to enacting zoning regulations in the next year, yet if this subdivision is approved now, it will be allowed to proceed for twenty years in the face of new zoning regulations and soon-to-be revised subdivision regulations that may be significantly different. While certainly it is your duty to ensure orderly development, through careful subdivision review, a consideration of cumulative impacts, enactment of zoning regulations, etc., it is not your duty to guarantee this developer a profit by granting a variance from the phasing regulation that utterly circumvents the regulation and subverts its purpose.

Only at the 11th hour has the developer made a half-hearted attempt to argue that he satisfies the "very specific criteria" that the law requires for variances. (See 8-1-3, RCSR) Prior to the public hearing on August 22, 2006, the developer simply asserted that 33 phases will allow him an "[o]pportunity to react to changes in the market demand for housing due to economic changes," and most recently in a letter from Mr. Tabaracci, that phasing over 33 phases and twenty two years "mitigates against the impact of 600 plus lots coming on the market in a short four year period." Nowhere has there any suggestion that the 8-1-7 criteria have been satisfied. Until the public hearing on August 22 that is, when the developer simply asserted, with no real explanation of how this might be true, that the property was somehow unique in its need for a 33 phase development. It is not the Commissioner's role to allow a variance so that a developer will not cause a glut in the market with his own large development thereby causing house prices to fall. Indeed, it may well be in the public interest to have a glut of houses on the market if the market for houses would as a result become more affordable. Additionally, the developer here contradicts other statements where he asserts that the county needs 400 new homes every year. And if that is so, 600 homes over four years should cause no problems.

The Commissioners must recognize that RCSR 8-1-11 provides that a variance runs with the land and will expire after 30 months if the final plat is not filed. Here, the variance from the phasing regulation, if granted, will attach to the entire property, and would allow filing of the last final plat up to twenty two years after the granting of the variance- while the variance would expire in 30 months. The requested phasing variance simply cannot survive the necessary scrutiny as it fails to satisfy the specific criteria, and conflicts with the county's regulation that provides variances will expire in 30 months if the final plat is not filed. The

requested variance from a phasing regulation is in fact several variances in one as the variance runs afoul of more than one regulation. The variance is not consistent with the "spirit" of the regulation, is not a "minor deviation from strict compliance" with the regulation but would utterly circumvent the regulation.

While we agree that with the Developer's attorney that the County is allowing development that is not orderly as required by 76-3-501, we cannot agree that the problem arises from the subdivision regulation limiting phasing to two phases over four years. Rather, what conflicts with the mandate to ensure orderly development is the long-standing refusal to enact zoning regulations that would protect the valley and ensure orderly development as required by 76-3-501. In light of the County Commissioners recent recognition of an emergency situation caused by the explosion of growth in the valley, in its enactment of the large retail store zoning ordinance, the Commissioners must take action to address that emergency situation and to ensure orderly development that is allowed only and always when it is in the public interest and not based on the developers' profit margin. The Commissioners could enact a temporary moratorium on development to be enforced pending the completion of a complete set of zoning regulations. The Commissioners could also adopt the interim zoning regulation that would limit density of development in the county to no more than one unit per two acres. This interim zoning regulation is currently being circulated as a petition to be put on the November ballot, but if the Commissioners act now to enact the proposed interim zoning regulation, the County would have the opportunity to get caught up, to enact necessary zoning regulations, to revise subdivision regulations that may not provide the guidance needed in the current growth explosion, and to ensure the county has the staff and resources capable of addressing the monumental task of adequately evaluating the impact of these developments on the County.

As set forth in previous comments by both myself and my clients, you have before you more than ample basis for denying this subdivision proposal. The proposal, as made, requires you to fully abrogate your own subdivision regulations and to do so without any substantive explanation as to how this property needs variances from the duly enacted regulations. If the Commissioners make the appropriate findings that the phasing variance must be denied, this proposal must be denied as it is written as a phased proposal. At that point, the developer may choose to submit a new subdivision application, but the Commissioners cannot deny the phasing variance and approve this proposal. The process has been faulty from the beginning, with the developer forcing the review process before the Staff had determined the application was sufficient. On behalf of my clients, I encourage you to make the appropriate decision, pursuant to the public interest, the subdivision laws and your own regulations and deny this proposal.

